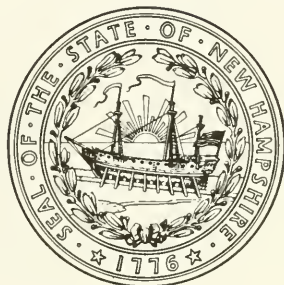








# NEW HAMPSHIRE GENERAL COURT



JOURNAL  
of the  
HOUSE OF REPRESENTATIVES  
1983 Session  
December 1, 1982  
through  
June 30, 1983

JOHN B. TUCKER  
SPEAKER

CARL A. PETERSON  
CLERK

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# HOUSE JOURNAL 1

*Wednesday, 1Dec82*

The House met at 1:00 p.m.

On the first Wednesday in December in the year of our Lord, One thousand nine hundred and eighty two, being the day designated by the Constitution for assembling of that body, the one hundred and forty-eighth General Court of the State of New Hampshire convened at the Capitol in the City of Concord. The representatives-elect were called to order by Carl A. Peterson, Assistant House Clerk for the preceding session.

Prayer was offered by Rev. Larry Turns, pastor of the First Congregational Church in Claremont.

Heavenly Father, we turn to You because You are Creator and Lord of the universe, and You love us. May we recognize and believe in your presence among us right now through Your Spirit. May we renew our trust in Your power and Your truth. You are able to meet the words of the people of New Hampshire. More specifically, cause us to believe in You to lead this body. May Your word of truth be heard and be a trusted guide and authority as decisions are made. Heal divisions where they occur. Keep the mission to serve all the people a clear motive in each person's heart. Pray we never be deceived into thinking that we can do anything good without You being at the center of it -- indeed the very power to do it. Father we turn to You and give You the leadership in this body. I pray this in the Spirit of Christ. Amen.

Rep.-elect David Lemire led the Pledge of Allegiance.

## LEAVE OF ABSENCE

Rep.-elect Cutting, the day, illness.

## INTRODUCTION OF GUESTS

Thelma Simon, mother of Rep.-elect Simon; Jack, Jennifer and Lynn Joslyn and Norma Lane, guests of Rep.-elect Joslyn; Jean, Jennifer, William Jr. and Celeste, wife and children of Rep.-elect Gregorio; John Brack, Lynda Brack, Mary Caspurson and Helen Fennelly, guests of Rep.-elect Brack; Doris Paradis and Mr. and Mrs. Sagers, wife and guests of Rep.-elect Paradis; David and Darren Vartanian, husband and uncle of Rep.-elect Vartanian; Doreene, Eva, Rhonda and Ronald Belanger, guests of Rep.-elect Belanger; Albany Belhumeur, guest of Rep.-elect Belhumeur.

## CALL OF THE ROLL

### BELKNAP COUNTY

Dist. No. 1	George S. Lamprey, r
Dist. No. 2	Barbara B. Bowler, r
Dist. No. 3	Kenneth A. Randall, r&d
Dist. No. 4	Marshall French, r&d; Earle D. Hardy, r
Dist. No. 5	Clifford W. Birch, r; Robert S. Hawkins, r&d; Esther R. Nighswander, r&d; Ralph W. Pearson, r
Dist. No. 6	Matthew J. Locke, r; Jane F. Sanders, r
Dist. No. 7	Paul A. Golden, r
Dist. No. 8	Dean Dexter, r&d
Dist. No. 9	Richard W. Bastraw, r
Dist. No. 10	Dennis R. Bolduc, d; Gary S. Dionne, d
Dist. No. 11	Barbara Zeckhausen, r
Dist. No. 12	David T. Whittemore, r
Dist. No. 13	Robert G. Holbrook, r&d

### CARROLL COUNTY

Dist. No. 1	Donalda K. Howard, r
Dist. No. 2	Paul O. Ashnault, r; Howard C. Dickinson, Jr., r; Elizabeth D. Murphy, d
Dist. No. 3	Robert B. Holmes, Jr., r
Dist. No. 4	Roger C. Heath, r&d; Frank E. McIntire, r&d
Dist. No. 5	Gerard E. Powers, Jr., r&d; Howard N. Saunders, r
Dist. No. 6	Russell C. Chase, r; Kenneth J. MacDonald, r
Dist. No. 7	John B. Hraba, r

### CHESHIRE COUNTY

Dist. No. 1	Robert L. Galloway, r; Jeffrey C. Miller, r&d
Dist. No. 2	Robert W. Moore, Jr., r; JoAnn T. Morse, r&d
Dist. No. 3	Arthur J. Boulter, d; Eugene W. Clark, d; Elmer L. Johnson, r
Dist. No. 4	Daniel A. Eaton, d
Dist. No. 5	Irvin H. Gordon, r; William A. Riley, d&r
Dist. No. 6	Clayton H. Crane, r; Richard A. Grodin, r&d
Dist. No. 7	William R. Matson, d
Dist. No. 8	Jesse F. Davis, r
Dist. No. 9	Jon H. Perkins, r
Dist. No. 10	David M. Perry, r; Margaret A. Ramsay, d
Dist. No. 11	Ralph Parker, r&d
Dist. No. 12	William J. Sullivan, d
Dist. No. 13	Delina R. Hickey, d&r
Dist. No. 14	David R. Meader, r
Dist. No. 15	Robert H. Eisengrein, d&r; Kendall W. Lane, r
Dist. No. 16	George Michaelides, d; Andrea A. Scranton, r
Dist. No. 17	Robert E. Barber, Jr., d&r; William H. Kennedy, d

### COOS COUNTY

Dist. No. 1	Colon Chappell, r; David D. King, r&d
Dist. No. 2	Ted A. Pelletier, d
Dist. No. 3	George A. Langley, III, d
Dist. No. 4	Lynn C. Horton, r&d

Dist. No. 5 Harold W. Burns, r&d  
 Dist. No. 6 Phoebe A. Chardon, r&d  
 Dist. No. 7 Lawrence J. Guay, d&r; Otto H. Oleson, d&r  
 Dist. No. 8 Norman A. Brideau, d&r; Yvonne Coulombe, d; George E. Lemire, d&r; Romeo J. Theriault, d; Alcide E. Valliere, d&r; Elmer H. York, d&r

## GRAFTON COUNTY

Dist. No. 1 Rita C. McAvoy, r; Kathleen W. Ward, r&d; Henry F. Whitcomb, Jr., r&d  
 Dist. No. 2 Philip H. Weymouth, r  
 Dist. No. 3 Edward D. Densmore, d  
 Dist. No. 4 Roger Stewart, r&d  
 Dist. No. 5 Paul I. LaMott, r&d; Ezra B. Mann, II, r&d  
 Dist. No. 6 Wayne D. King, d; Betty Jo Taffe, r  
 Dist. No. 7 Stephen N. Harnish, ind.  
 Dist. No. 8 Richardson Blair, r; William J. Driscoll, r; V. Michael Hutchings, r  
 Dist. No. 9 Harold V. Buckman, r  
 Dist. No. 10 Bruce C. Rounds, r&d  
 Dist. No. 11 C. Dana Christy, r; Craig A. Downing, r; Roger L. Easton, r&d  
 Dist. No. 12 Mary P. Chambers, d; Marion L. Copenhaver, d; Elizabeth L. Crory, d; Michael B. King, d  
 Dist. No. 13 Joseph F. Duggan, r; Shirley A. Girouard, d; James L. Logan, r; Thomas S. Stevens, r&d; Lorine M. Walter, r&d

## HILLSBOROUGH COUNTY

Dist. No. 1 Joseph M. Eaton, r; Frank J. Sylvia, r&d  
 Dist. No. 2 Howard S. Humphrey, Sr., r  
 Dist. No. 3 James B. Craig, r  
 Dist. No. 4 Roland A. Sallada, r  
 Dist. No. 5 George H. Hawkins, r  
 Dist. No. 6 Holly Abrams, d; Alice Tirrell Knight, r; Elmer B. Nickerson, r; Aime H. Paradis, r; Robert W. Wheeler, d  
 Dist. No. 7 Charles F. Bass, r&d; Robert H. Grip, r&d; Marian R. Harrington, r&d  
 Dist. No. 8 John E. Burns, r; Howard F. Mason, r&d  
 Dist. No. 9 Joanne C. Head, r&d; B. P. Smith, r; Peter F. Wells, Sr., r; M. Arnold Wight, Jr., r&d  
 Dist. No. 10 Salvatore P. Grasso, r&d; Joseph M. Silva, r&d; Emma B. Wheeler, r&d; Kenneth T. Wheeler, Sr., r  
 Dist. No. 11 A. Leslie Burns, r; Jean H. Duffett, r&d; Marjorie Y. Peters, r; Anna S. Van Loan, r&d  
 Dist. No. 12 Nancy C. Hendrick, d  
 Dist. No. 13 Frederick G. Ahrens, r; Dennis H. Fields, r; Robert N. Kelley, r; Charles M. Nute, r; Geraldine G. Watson, r; Harold W. Watson, r  
 Dist. No. 14 Ellen-Ann Robinson, r  
 Dist. No. 15 William A. Russell, r&d  
 Dist. No. 16 Eben B. Bartlett, Jr., r

Dist. No. 17 Clyde S. Eaton, r  
 Dist. No. 18 Eliot B. Ware, Jr., r; Eleanor H. Whittemore, r  
 Dist. No. 19 George A. Arris, r; George H. Baker, Sr., d; Juanita E. Kashulines, r; John P. Lawrence, r; Leonard A. Smith, r; Darrell A. Wagner, d  
 Dist. No. 20 Ralph S. Boutwell, r; Michael E. Jones, r; Harold V. Lynde, Jr., d  
 Dist. No. 21 Rhona M. Charbonneau, r  
 Dist. No. 22 John F. Bolan, III, r; Audrey A. Carragher, r; Philip deG. Labomarde, r; Patricia M. Lyons, d; Lucille T. Wood, r  
 Dist. No. 23 Barbara B. Pressly, d; Thomas Stylianos, r  
 Dist. No. 24 Betty Tamposi, r  
 Dist. No. 25 Debora A. Ahern, d; Nancy M. Ford, r; Maurice J. Levesque, d; Roland A. Morrisette, d; Roger E. Wallace, d  
 Dist. No. 26 Francis X. Donovan, d; Robert A. Durant, d; Gabrielle V. Gagnon, d; Romeo W. Jean, d; James Kaklamanos, d; Roland J. Lefebvre, d; Margaret L. McGlynn, d; Raymond N. Migneault, d; Cecelia L. Winn, d  
 Dist. No. 27 David E. Cote, d; Dana J. Robie, d  
 Dist. No. 28 Richard H. Duprey, r; Chrysoula A. Katsiaficas, d; Edmund N. Keefe, r; Mary S. Nelson, d; Ann M. Parmenter, d  
 Dist. No. 29 Barbara E. Arnold, r; Thomas W. Hynes, r; John Resch, d; Lee Anne S. Steiner, r  
 Dist. No. 30 Richard F. Ahern, d&r; Edward J. Crotty, d; Dorothy J. Dreniak, d; Richard E. Galway, d; Walter Healy, d; Charles J. Quinn, d; Mary J. Sullivan, d&r  
 Dist. No. 31 Joanne A. O'Rourke, d; Chris Spirou, d; James J. White, d  
 Dist. No. 32 Gregory J. Ahlgren, d; Rita M. Brack, d; John J. Wallace, d  
 Dist. No. 33 Lawrence Cronin, d; Daniel J. Healy, d; Stanley J. Zajdel, d  
 Dist. No. 34 David L. Gelinac, d; Charles J. Leclerc, d; Maureen E. Raiche, d  
 Dist. No. 35 Wilfred Burkush, d; Evelyn A. King, d; Peter E. Ramsey, d; Henry N. Roy, d; George A. Soucy, d; James W. Sullivan, d; Rose C. Vachon, d  
 Diss. No. 36 William C. Dion, d; Frank J. Reidy, d; Armand D. Talbot, d  
 Dist. No. 37 Catherine G. Lamy, d; David B. Lemire, d; Roland R. Lemire, d  
 Dist. No. 38 Lafayette J. Bergeron, d; Helene R. Dupont, d; Roland D. Martineau, d; Roland M. Turgeon, d

## MERRIMACK COUNTY

Dist. No. 1 Elizabeth S. Bardsley, r; James D. Phelps, r  
 Dist. No. 2 Alf E. Jacobson, r; William F. Kidder, r; Avis B. Nichols, r

Dist. No. 3 James V. Bibbo, Jr., r; Walter K. Robinson, r  
 Dist. No. 4 Joseph B. Bowes, r; Rick A. Trombly, d&r  
 Dist. No. 5 Mary Ann Lewis, r; William L. Roberts, r; Irene J. Shepard, r; Peter M. Stio, r  
 Dist. No. 6 Graham Chynoweth, d; James H. Pannell, r; Linwood A. Rogers, r  
 Dist. No. 7 Edward J. Allgeyer, r; Eleanor M. Anderson, r; Samuel D. Clark, d; Louise Petit Roberts, d  
 Dist. No. 8 Eugene R. Maltais, d&r; Louis A. Savaria, r  
 Dist. No. 9 Laurent J. Boucher, r; Arthur J. Locke, r; Doris J. Riley, r  
 Dist. No. 10 Rudolph G. LaBranche, d; Moise H. Mercier, d&r; James A. Whittemore, r  
 Dist. No. 11 Edward M. Zimmerman, r  
 Dist. No. 12 Eugene S. Daniell, Jr., d  
 Dist. No. 13 Milton A. Cate, r; Evelyn S. Dean, r; Mary C. Holmes, r; James F. Kinhan, r  
 Dist. No. 14 Eleanor H. Stark, r  
 Dist. No. 15 Caroline L. Gross, r; Lawrence J. Sullivan, d; Barbara J. Underwood, r; Mary Jane Wallner, d  
 Dist. No. 16 Kenneth L. McDonnell, r; Bruce E. Parrish, d; Gerald R. Smith, r

## ROCKINGHAM COUNTY

Dist. No. 1 John H. Stimmell, r&d  
 Dist. No. 2 John L. Sherburne, r&d  
 Dist. No. 3 Carole M. Nevins, r  
 Dist. No. 4 Roger C. King, r&d  
 Dist. No. 5 Richardson D. Benton, r&d; Harry E. Flanders, r; William Gregorio, r&d  
 Dist. No. 6 Ralph L. Blake, r; Margaret A. Case, d; Stephen Sloan, r; Calvin Warburton, r  
 Dist. No. 7 Geraldine Bangs, r; Roger R. Beliveau, Sr., r; Leander W. Burdick, Jr., r; George N. Katsakiores, r; Glendon J. Kelley, r; Virginia K. Lovejoy, r; Benjamin C. Newell, r; Conrad L. Quimby, r  
 Dist. No. 8 Natalie S. Flanagan, r; Roger R. Stork, r  
 Dist. No. 9 Alfred Ellyson, r; Annie Mae Schwaner, r&d; Peter M. Simon, r; K. Michael Tavitian, r&d  
 Dist. No. 10 Warren F. Ames, Sr., r; John W. Flanders, r; Vincent J. Palumbo, r  
 Dist. No. 11 Gertrude I. Butler, r&d; Robert A. Danderson, r&d  
 Dist. No. 12 Patti Blanchette, d; Elizabeth M. Popov, d  
 Dist. No. 13 Robert R. Blaisdell, r; Thomas U. Gage, r; John J. Kane, r; Frank J. Kozacka, d; J. Arthur Tufts, r  
 Dist. No. 14 Paul T. Keenan, d; William W. Moore, r  
 Dist. No. 15 James R. Rosencrantz, d  
 Dist. No. 16 Ellen M. Cressy, d

Dist. No. 17 Beverly A. Hollingworth, d; Kenneth W. Malcolm, r; Edna Pearl F. Parr, r; Roberta C. Peavear, r; E. Jane Walker, r  
 Dist. No. 18 Herbert R. Drake, r; Elizabeth A. Greene, r; Tom Longworth, r; Douglas R. Woodward, r  
 Dist. No. 19 Merino Romoli, Jr., r; W. Douglas Scamman, Jr., r&d  
 Dist. No. 20 Ronald J. Belanger, d; Marilyn R. Campbell, r; Eleanor F. Carpenito, d; Beverly A. Gage, r; Lynn Joslyn, r; Anne Leslie, d; Carol Nagel, r; Donna P. Sytek, r; Elsie Vartanian, r; Raymond W. Wood, r  
 Dist. No. 21 Ada L. Mace, r&d; Patricia M. Skinner, r&d  
 Dist. No. 22 Robert P. Mason, Jr., r  
 Dist. No. 23 William P. Boucher, r; Robert H. Day, r; Rowland H. Schmidtchen, r; Matthew M. Sochalski, r&d; Gerald Vecchione, r; John E. Webster, Jr., r  
 Dist. No. 24 Susan B. R. McLane, d; Rick G. Newman, d; Laura C. Pantelakos, d  
 Dist. No. 25 Elaine S. Krasker, d&r; John E. Splaine, d; Hermine Waldron, d  
 Dist. No. 26 Mary Ann N. Blanchard, d; Thomas P. Connors, Sr., d; John W. Hynes, d; Jack LoFranco, d; Joseph A. MacDonald, d

## STRAFFORD COUNTY

Dist. No. 1 Victor J. Joos, Jr., d; Virginia Blouin, d  
 Dist. No. 2 Paul E. Blouin, d; Ronald R. Chagnon, d  
 Dist. No. 3 George T. Musler, ind.&r; Frederick N. Timm, d  
 Dist. No. 4 James C. Chamberlin, r; Charles H. Dingle, r; Francis E. Robinson, r; Everett B. Sackett, r; Joan M. Schreiber, d; Gerald L. Smith, r  
 Dist. No. 5 Albert J. Dionne, d&r  
 Dist. No. 6 Roland E. Belhumeur, d&r; Raymond F. Hennessey, d; Robert L. Jones, r; Franklin Torr, r; Robert L. Whiting, r  
 Dist. No. 7 Mary E. Bernard, d&r; Helene R. Donnelly, d; William K. Kincaid, d; Arnold W. Peters, d  
 Dist. No. 8 David J. Bouchard, d; Anita A. Flynn, d&r; Paul J. Hamel, d; Martin P. Lussier, d  
 Dist. No. 9 James M. Demers, d  
 Dist. No. 10 Gerard R. Couture, d; Richard W. Creteau, d; Robert D. Hussey, r; Paul G. Meader, r; Janet R. Pelley, d&r  
 Dist. No. 11 James E. Appleby, r&d; Harold E. Chisholm, d; William A. Fielding, d; Charles W. Grassie, Jr., d; Ralph W. Torr, r

## SULLIVAN COUNTY

Dist. No. 1 Everett R. Reney, r&d; Sara M. Townsend, r&d

Dist. No. 2 Gordon B. Flint, r&d; Virginia O'Brien Irwin, d&r; Paul M. Johnson, r  
 Dist. No. 3 Farrell J. Quinlan, r  
 Dist. No. 4 Mildred S. Ingram, r  
 Dist. No. 5 Leonard W. Gray, r; Walter H. Palmer, r  
 Dist. No. 6 Larry Converse, d  
 Dist. No. 7 Robert J. Brodeur, d; Carmine F. D'Amante, d&r  
 Dist. No. 8 Robert H. Carlson, d; Susan J. Lawrence, d  
 Dist. No. 9 John B. Tucker, r

397 members having answered the call of the roll, a quorum was declared present.

#### MESSAGE

This is to certify that Mary E. Cotton has been sworn into office as a Representative to the General Court from Rockingham County District No. 26.

Robert P. Ambrose  
 Acting Secretary of State

Reps.-elect French and Spirou moved that a committee of seven be appointed by the Acting Clerk to wait upon the Acting Governor, William M. Gardner, and inform him that a quorum of the House had assembled and requested his attendance.

Adopted.

The Acting Clerk appointed Reps.-elect Daniel Healy, Carmine D'Amante, Charles Leclerc, Elizabeth Greene, Joseph Eaton, Donald Howard and Annie Mae Schwaner.

#### RECESS

William M. Gardner, the Acting Governor, having been informed that a quorum of the House was assembled, appeared, accompanied by the Honorable Council, and the above-named ladies and gentlemen, having presented their credentials, were duly qualified by the Acting Governor as members of the House of Representatives by taking and subscribing the oath of office agreeable to the provisions of the Constitution.

The Acting Governor and the Executive Council retired.

The Chair declared that nominations for Temporary Chairman were in order.

Rep. Tucker nominated Richard F. Upton of Concord as Temporary Chairman.

Rep. Spirou seconded the nomination and moved that the Chair instruct the Clerk to cast one ballot for Richard Upton.

Adopted.

The Acting Assistant Clerk cast one ballot for Richard Upton as Temporary Chairman and he was declared elected.

(Honorable Richard F. Upton in the Chair)

I wish to thank everyone here for the privilege of again serving during a contested election for the office of Speaker.

The setting is very familiar and it gives me great pleasure to revisit it from time to time.

I want to make just a few remarks. This past summer I had an occasion to visit with Andy Anderson, the Legislative Historian, who is not so well at the present time. I had just done a review of his book for the magazine Historical New Hampshire. In it I sent for some of my own philosophy about the Legislative process that I thought might be appropriate for here. This was a good book by the way and I gave it all the best.

The workings of a Legislative body are probably less appreciated by the general public than those of the other two branches of State Government, the Executive and the Judicial.

The Governor, as Chief Executive, is on the center of the stage, and he has access to the media and a fair amount of control over his own public image. The Judiciary conducts dignified and orderly proceedings and issues reasoned judgments which generally inspire respect, if not completely understood. On the other hand the Legislative body is composed of numerous individuals chosen from varied walks of life, very few of whom march to the beat of the same drummer. The picture which their proceedings presents to the public is one of frequent disagreement, a quality which is characteristic of Legislative bodies generally.

The Legislature is the law-making body, and it is an ancient aphorism that law is the product of the conflicting forces in society. So, if Legislative action was always swift and harmonious we could be justifiably suspicious that something was wrong.

For the Legislative process to function properly requires time, discussion, hearings, arguments, debates and amendments, and out of this process of contention and dispute, the majority most often forges a better end product. It may not look harmonious in so doing, especially to those who lack understanding of the rationale of the proceedings. Now you and I understand it, those who don't would never be satisfied, but those who do will appreciate deeply what you are doing here, and many at great sacrifice.

Rep. French moved that Mr. Upton's remarks be printed in the Journal.

Adopted.

Reps. Daniell, Spirou, Tucker and Warburton offered the following:

RESOLVED, that the following ground rules, as agreed to by the candidates for Speaker, be adopted for the election of House officers:

1. Access to the floor is limited to members-elect; nominees and a representative and such other officers and assistants as may be required by the Clerk and Sergeant-at-Arms.

2. Election of candidates is by secret ballot and requires a majority vote of those present and voting. Blanks shall not be considered a vote (Mason's Manual Sec. 516(a) Page 363). There is no elimination



of the low candidate after any ballot. All candidates remain in the running unless they withdraw of their own volition.

### 3. Balloting:

- a. Contested elections will be by secret ballot, booths to be available for those who desire. Ballots to be distributed to members only when all are seated. Except for the divisions in the process of voting, all members should remain seated. Tellers to deliver to the Clerk ballots for destruction.
- b. Shall continue until an officer is chosen. Recesses, if requested, shall be limited to ten minutes duration unless amended by the body.
- c. On each ballot the clerk will have printed, in alphabetical order, the name of each candidate with one blank line for write-in candidates.

4. Nominating and seconding speeches will be limited to 15 minutes total for all speeches. No other limitations will apply to these speeches. The order will be alphabetical.

All candidates agreed to provide the Clerk with the names of those members who will speak in their favor by noon of Wednesday.

The Acting Clerk read the resolution.  
Adopted.

The Chair declared that nominations for Speaker were in order.

Rep. Daniell placed his name in nomination for Speaker and spoke to his nomination.

Rep. Chambers placed the name of Rep. Spirou in nomination for Speaker.

Reps. James Demers, Joseph MacDonald and Krasker seconded the nomination.

Rep. Joseph Eaton placed the name of Rep. Tucker in nomination for Speaker.

Rep. Townsend seconded the nomination.

Rep. Quinlan placed the name of Rep. Warburton in nomination for Speaker.

Rep. Warburton seconded his nomination.

Rep. Daniell withdrew his name from nomination.

There being no further nominations the Chair declared nominations closed and asked the tellers representing the candidates to tally the vote.

### RECESS

149 members having voted for Rep. Spirou; 227 members having voted for Rep. Tucker and 20 members having voted for Rep. Warburton, the Chair declared Rep. Tucker duly elected Speaker of the House.

(Speaker in the Chair)

The Speaker appointed Rep. Spirou Minority Leader.

The Speaker addressed the House briefly.

To the member from Hillsborough and to the member from Plainfield who so eloquently spoke in the well of the House and put my name in nomination, my thanks to you, and my thanks to all members of this House for your support.

I'm proud to be in politics, and I'm proud of the good men and women who serve in this House and in this Legislature and in state government in New Hampshire. It indeed is an honor for me to receive your vote, but more of an honor to count you as my friends. In this House, our issues as in the past session, will be argued, as rightfully they should be, before our several committees where under thorough investigation, inquiry, debate and investigation, a consensus can be reached to formulate a majority. It is that process to which I dedicate myself and will work endlessly to see that this House, as a body, works to support that process.

I will do everything in my power to continue to preside over this wonderful House fairly and with an even hand. We will, all of us, show respect for all other members of this House. I want no member to approach the microphone to express his or her feelings with any sense of trepidation or reservation. No member shall ever be diminished, either as a person, or as a Representative, so long as I preside over this chamber. All voices will be heard, all rights shall be protected. But it also shall be my responsibility to ensure that the will of the majority should not be inhibited in serving the means of the people of the State of New Hampshire. I will work, and I pledge to work, in the interests of this House. I assure you that in doing so I am not going to be able to please everyone. All I can do is promise you that I will do my best, as I see it, for you as individual members of this House, and for the people of New Hampshire.

We have a hard session ahead of us. There are many, many difficult challenges that lie before us. I will not enumerate them at this time. I think most of us are familiar with the many challenges that we do face. But I have every confidence that this body will produce the results that are necessary for the good of our people in this democracy of New Hampshire.

I would like to again say thank you. I appreciate your support, and I'll try to do honor to that confidence that you have placed in me.

Thank you very much.

### INTRODUCTION OF GUESTS

Carol A. Tucker, Mr. and Mrs. Bernard W. Tucker, B. William Tucker, John, Judy, Lynn, Beth and Sarah Tucker, Kim Tucker, Bruce Wright, Marion, Kristian and Erika Rannisto, Steve, Nancy, Todd, Mark and Jamie Ciardelli, Cathy Kinhan and Sonny Sharp, Maryellen Kinhan and Tim Wheelock, Kelly Kinhan, Lon, Kathy and Amy Woods, Richard and Mary Haubrich, Peter Irwin, Steve Puksta, Claremont's Mayor Charles Puksta, Assistant Mayor Donald Limoges and City Manager Edward Brookshier, family and guests of the Speaker.

Rep. William Boucher placed the name of Carl A. Peterson of Litchfield in nomination for Clerk of the House, Andrea L. Lyons of Concord in nomination for Assistant Clerk and Warren W. Leary of Alton in nomination for Sergeant-at-Arms.

Rep. Spirou seconded the nominations, moved that nominations be closed and one ballot be cast for the nominees.

Adopted.

The Chair declared Mr. Peterson elected House Clerk; Mrs. Lyons elected Assistant House Clerk and Mr. Leary elected Sergeant-at-Arms.

Reps. French and Spirou moved to inform the Honorable Senate that the House was ready to meet in Joint Convention for the purpose of electing a State Treasurer and Secretary of State.

Adopted.

#### SENATE MESSAGE

The Senate is ready to meet with the Honorable House in Joint Convention for the purpose of electing a Secretary of State and State Treasurer.

#### RECESS

#### JOINT CONVENTION (Speaker presiding)

The Chair declared nominations were in order for State Treasurer.

Rep. Ward placed the name of Robert W. Flanders of Concord in nomination for State Treasurer.

Sen. McLane seconded the nomination.

There being no further nominations, the Chair declared nominations closed.

Rep. Chambers moved that the Chair instruct the Clerk to cast one ballot for Robert W. Flanders for State Treasurer.

Adopted.

The Clerk cast one ballot for Robert W. Flanders as State Treasurer and he was declared elected.

The Chair declared nominations were in order for Secretary of State.

Rep. Lane placed the name of James A. Chandler of Concord in nomination for Secretary of State.

Sen. Jean White seconded the nomination.

Rep. Daniel Healy placed the name of William M. Gardner in nomination for Secretary of State.

Rep. Sackett and Sen. Lamontagne seconded the nomination.

There being no further nominations, the Chair declared nominations closed and instructed the tellers representing the candidates to tally the vote.

#### RECESS

157 members having voted for Mr. Chandler and 263 members having voted for Mr. Gardner, the Chair declared Mr. Gardner elected Secretary of State.

The Chair administered the oath of office to Mr. Flanders, Mr. Gardner, Mr. Peterson, Mrs. Lyons and Mr. Leary.

On the motion of Sen. Champagne and Rep. French, the Joint Convention arose.

#### HOUSE

(Speaker in the Chair)

Reps. French and Spirou offered the following:

#### HOUSE RESOLUTION NO. 1

relative to a Run-off  
Election in Merrimack County District 16

WHEREAS, the general election in Merrimack County District 16 has ultimately resulted in a tie between Kathleen A. Degnan and H. Gwendolyn Jones, and

WHEREAS, this House has both the constitutional authority to settle this matter by voting to seat one of these candidates and a great and honorable tradition of endorsing the concept of home rule, and

WHEREAS, we believe that the voters of that district have already indicated by their close vote that they want one of these ladies to be their Representative to the General Court, now therefore be it

RESOLVED, that this election be returned to the voters of Merrimack County District 16 as legally constituted as of November 1, 1982, to uphold the principle of one man, one vote for a special election to determine their choice for representative to the General Court, and

RESOLVED, that the House of Representatives orders that the ballots used in that run-off election contain only the names of Kathleen A. Degnan and H. Gwendolyn Jones with no blank appearing, and

RESOLVED, that the Clerk of the House transmit a copy of this Resolution to the Secretary of State, Kathleen A. Degnan and H. Gwendolyn Jones, and be it further

RESOLVED, that all communications to the Clerk of the House from the parties at interest in this matter be entered in the House Journal.

The Clerk read the resolution.

Adopted.

Reps. French and Spirou offered the following:

#### HOUSE RESOLUTION NO. 2

RESOLVED, that the House adopt the rules of the 1981 session as printed in the Black Book with the provision that amendments may be adopted by majority vote through a date in January to be decided January 5, 1983.

The Clerk read the resolution.

Adopted.

Rep. Townsend offered the following:



## HOUSE RESOLUTION NO. 3

RESOLVED, that the Speaker appoint a committee of three to assign seats to the members.

The Clerk read the resolution.  
Adopted.

Rep. Parr offered the following:

## HOUSE RESOLUTION NO. 4

RESOLVED, that a committee of ten members, one from each county be appointed by the Speaker to select some suitable person to act as Chaplain during the present session of the legislature and report such selection to the House for consideration.

The Clerk read the resolution.  
Adopted.

Rep. Beverly Gage offered the following:

## HOUSE RESOLUTION NO. 5

RESOLVED, that all action taken at all sessions of the House of Representatives be recorded through the public address system on tape, said tapes to be used by the House and the Clerk, within three legislative days, to confirm and correct the permanent Journal. The permanent Journal as thus prepared by the Clerk as corrected by the House shall be the official record of the House, and be it further

RESOLVED, that the Committee on the Journal be authorized to examine the permanent Journal of the last day of the session, as prepared by the Clerk, and make corrections of the same.

The Clerk read the resolution.  
Adopted.

Rep. Kidder offered the following:

## HOUSE RESOLUTION NO. 6

RESOLVED, that the Clerk, with the approval of the Speaker, may employ such stenographic and other clerical assistance as he may deem necessary. (RSA 17-E:5)

The Clerk read the resolution.  
Adopted.

Rep. Rounds offered the following:

## HOUSE RESOLUTION NO. 7

RESOLVED, that the Sergeant-at-Arms, with the approval of the Speaker, may employ such personnel as he deems necessary; that the Speaker of the House be authorized to employ such other personnel as he deems necessary, and with the approval of the House subcommittee of the Committee on Legislative Facilities, fix their compensation. (RSA 17-E:5)

The Clerk read the resolution.  
Adopted.

Rep. Sytek offered the following:

## HOUSE RESOLUTION NO. 8

RESOLVED, that the following policy be established for the distribution of House Journals, bills and joint resolutions to legislative agents, corporations and other persons, except the members of the General Court and state departments:

1. Every citizen is entitled to one copy of any publication free of charge at the legislative counter or to have the same mailed to him free of charge upon individual request for such one copy.

2. Persons requesting copies of all publications delivered complete for the entire session will be charged a fee sufficient to cover postage, envelopes and handling. Such fees may be prorated where service is received for portions of the session only. All fees are payable in advance.

3. All fees charged hereunder shall be fixed by the Sergeant-at-Arms with the approval of the Speaker and shall be collected by the Sergeant-at-Arms and paid in to the state treasury and credited to the legislative appropriation. Any house attache who works overtime to furnish any of the services hereunder shall be allowed such additional sum for his overtime services as the Appropriations Committee shall deem fair and reasonable.

The Clerk read the resolution.  
Adopted.

Rep. LaMott offered the following:

## HOUSE RESOLUTION NO. 9

RESOLVED BY THE HOUSE OF REPRESENTATIVES, that the Speaker after consultation with the minority leader, may cancel a scheduled meeting of the House in the event of a severe snowstorm which would make it dangerous, in his opinion, for members to come to Concord for the session, provided he makes notification of such cancellation through the procedures set forth by the emergency committee recommendations which were developed in the 1969 session. In case of such cancellation the House shall meet on the following legislative day. Any member who travels to Concord or who is already in Concord on legislative business on any day that a meeting of the House is under the authority of this resolution cancelled shall be entitled to legislative mileage for such attendance on legislative business.

The Clerk read the resolution.  
Adopted.

Rep. Meader offered the following:

## HOUSE RESOLUTION NO. 10

RESOLVED, that the salary of the members of the House of Representatives be so divided that any member may receive one-fourth of his salary monthly for the

first three months, the balance to be paid at the adjournment of the session, and be it further

RESOLVED, that mileage of members of the House of Representatives be paid every two weeks during the session.

The Clerk read the resolution.

Adopted.

Reps. French and Spirou moved that the House adjourn to meet next at 1:00 p.m. Wednesday, January 5th.

Adopted.

The House adjourned at 5:27 p.m.

# HOUSE JOURNAL 2

*Wednesday, 5Jan83*

The House assembled at 1:00 p.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by Rev. Patrick Irwin of St. Catherine's Church, Hudson.

Father, we do well to join all creation, in heaven and on earth, in praising You, our mighty God.

You made mankind to Your own image and set us over all creation.

Once you chose the people of Ancient Israel and gave them a destiny and, when You brought them out of bondage in Egypt to the freedom of the Promised Land they carried with them the promise that all people would be blessed and all people could be free.

It happened to our forbears, who came to this land as if out of the desert into a place of promise and hope.

It happens to us still, in our time, as You lead us through loss and suffering to a blessed vision of peace.

Help us, Father, to rise to the challenges that the future holds, to cherish the gifts that surround us, to hold sacred the people we represent and serve.

Be our inspiration and our strength as we begin anew in 1983 to do Your will and renew the face of the earth. Amen.

Reps. Rounds and Spirou led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Bernard and Bartlett, the day, illness.

Reps. Nichols, Michaelides, Van Loan and Schreiber, the day, important business.

## INTRODUCTION OF GUESTS

Mrs. Bernard Tucker, mother of Rep. Tucker; Dr. Jay Davis Clark, son of Rep. Eugene Clark; Kelly Monette, guest of Rep. Gregorio; Eleanor Dawson, guest of Rep. Pevear; Mr. Elias Papadopoulos, guest of Rep. Chris Spirou; Hilda Peyton, mother of Rep. Chambers; Katherine Chase, wife of Rep. Chase.

## COMMUNICATION

Mr. Carl A. Peterson  
House Clerk

Dear Mr. Peterson:

This is to advise that at the Governor and Council meeting of this date (December 29), the following Representative-elect was sworn into office:

Sullivan County District No. 6  
(Claremont-Ward 2) Mable G. Cutting, r,  
Claremont (275 Pleasant Street) 03743

Sincerely,  
William M. Gardner  
Secretary of State

Reps. Rounds and Spirou offered the following:

RESOLVED, that the Honorable Senate be notified that the House of Representatives will be ready to meet the Senate in Joint Convention at 1:20 o'clock for the purpose of canvassing the votes for Governor and Councilors.

Adopted.

## PETITION

The House has received a petition from William C. Woodside of Strafford District 1 protesting the election held in Strafford 1.

Having met the statutory requirements the matter is referred to the Subcommittee on Elections.

Rep. Rounds offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 11 through 30 and 100-FN through 163-FN shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 11, making an appropriation for capital improvements. (Bibbo of Merrimack Dist. 3; LaMott of Grafton Dist. 5; Preston of Dist. 23 - To Public Works)

HB 12, relative to the submission to the voters of a question relating to a charter revision, adoption or amendment. (Quimby of Rockingham Dist. 7 - To Municipal and County Government)

HB 13, relative to requesting a secret ballot at any town meeting. (Quimby of Rockingham Dist. 7 - To Municipal and County Government)

HB 14, relative to the setting of deer season. (Stimmell of Rockingham Dist. 1 - To Fish and Game)

HB 15, prohibiting the harassment of hunters, trappers and fishermen. (Smith of Merrimack Dist. 16; Dickinson of Carroll Dist. 2 - To Fish and Game)

HB 16-FN, providing an American flag for each legislative committee hearing room and making an appropriation therefor. (Benton of Rockingham Dist. 5 - To Legislative Administration)

HB 17, creating new voting districts in Epping and Raymond. (Blake of Rockingham Dist. 6; Case of Rockingham Dist. 6; Sloan of Rockingham Dist. 6; Warburton of Rockingham Dist. 6 - To Statutory Revision)

HB 18, to provide for joint tenancy with rights of survivorship in connection with mobile homes. (Blake of Rockingham Dist. 6 - To Transportation)

HB 19, allowing publications required to be deposited with the state library to be deposited at no cost to the state library. (Benton of Rockingham Dist. 5 - To State Institutions)

HB 20, prohibiting the destruction or altering of common boundary walls and fences. (Russell of Hillsborough Dist. 15; Silva of Hillsborough Dist. 10 - To Judiciary)

HB 21, authorizing the establishment of the Electric Light Department Trust in New Ipswich. (Russell of Hillsborough Dist. 15; Silva of Hillsborough Dist. 10 - To Municipal and County Government)

HB 22, relative to the cutting of timber on the property of another. (Benton of Rockingham Dist. 5 - To Environment and Agriculture)

HB 23, requiring non-smoking sections in restaurants. (Robie of Hillsborough Dist. 27; Donovan of Hillsborough Dist. 26 - To Health and Welfare)

HB 24, relative to the term "reconstruction" as used in maintenance of highways. (Perry of Cheshire Dist. 10 - To Public Works)

HB 25, relative to protests of changes in zoning regulations. (Quimby of Rockingham Dist. 7 - To Municipal and County Government)

HB 26-FN, allowing the use of certified rather than registered mail for blood alcohol test results. (Quimby of Rockingham Dist. 7 - To Transportation)

HB 27, to expand the definition of disorderly conduct to include the conduct of persons who make noise in a private place which disturbs others in a private place. (Bowler of Belknap Dist. 2 - To Judiciary)

HB 28, relative to distributing political campaign literature at polling places on election day. (Sackett of Strafford Dist. 4 - To Statutory Revision)

HB 29, to permit tenants in publicly owned or operated housing projects to keep companion pets. (Dexter of Belknap Dist. 8 - To Municipal and County Government)

HB 30, increasing the prize limitation for beano. (Lemire of Coos 8 - To Regulated Revenues)

HB 100-FN, relative to sunset review of the legislative budget assistant - budget and support. (LaMott of Grafton Dist. 5 - To Appropriations)

HB 101-FN, relative to sunset review of the legislative budget assistant - special services, post audit. (LaMott of Grafton Dist. 5 - To Appropriations)

HB 102-FN, relative to sunset review of administration and control - budget and control. (LaMott of Grafton Dist. 5 - To Appropriations)

HB 103-FN, relative to sunset review of administration and control - division of special disbursements. (LaMott of Grafton Dist. 5 - To Appropriations)

HB 104-FN, relative to sunset review of administration and control - administration and control programs. (LaMott of Grafton Dist. 5 - To Appropriations)

HB 105-FN, relative to sunset review of state treasury - administration. (LaMott of Grafton Dist. 5 - To Appropriations)

HB 106-FN, relative to sunset review of state treasury - trust funds. (LaMott of Grafton Dist. 5 - To Appropriations)

HB 107-FN, relative to sunset review of state treasury - special general fund distribution. (LaMott of Grafton Dist. 5 - To Appropriations)

HB 108-FN, relative to sunset review of the safety department - state overhead charges. (LaMott of Grafton Dist. 5 - To Appropriations)

HB 109-FN, relative to sunset review of the safety department - department debt service. (LaMott of Grafton Dist. 5 - To Appropriations)

HB 110-FN, relative to sunset review of the department of public works and highways - debt service. (LaMott of Grafton Dist. 5 - To Appropriations)

HB 111-FN, relative to sunset review of the higher education fund - U.N.H. debt service. (LaMott of Grafton Dist. 5 - To Appropriations)

HB 112-FN, relative to sunset review of the insurance department - administration. (Burns of Coos Dist. 5 - To Commerce and Consumer Affairs)

HB 113-FN, relative to sunset review of the insurance department - examination division. (Burns of Coos Dist. 5 - To Commerce and Consumer Affairs)

HB 114-FN, relative to sunset review of the N.H. higher education and health facilities authority. (Burns of Coos Dist. 5 - To Commerce and Consumer Affairs)

HB 115-FN, relative to sunset review of the postsecondary education commission. (Taffe of Grafton Dist. 6 - To Education)

HB 116-FN, relative to sunset review of the postsecondary education commission - N.H. incentive program. (Taffe of Grafton Dist. 6 - To Education)

HB 117-FN, relative to sunset review of the state board of education - postsecondary education administration and support. (Taffe of Grafton Dist. 6 - To Education)

HB 118-FN, relative to sunset review of the higher education fund - U.N.H. - Durham. (Taffe of Grafton Dist. 6 - To Education)

HB 119-FN, relative to sunset review of the higher education fund - Keene state college. (Taffe of Grafton Dist. 6 - To Education)

HB 120-FN, relative to sunset review of the higher education fund - Plymouth State College. (Taffe of Grafton Dist. 6 - To Education)

HB 121-FN, relative to sunset review of the higher education fund - Merrimack Valley Branch. (Taffe of Grafton Dist. 6 - To Education)

HB 122-FN, relative to sunset review of the higher education fund - U.N.H. continuing education. (Taffe of Grafton Dist. 6 - To Education)

HB 123-FN, relative to sunset review of the higher education fund - industrial and institutional development. (Taffe of Grafton Dist. 6 - To Education)

HB 124-FN, relative to sunset review of the higher education fund - agriculture experiment station. (Taffe of Grafton Dist. 6 - To Education)

HB 125-FN, relative to sunset review of the higher education fund - marine research and development. (Taffe of Grafton Dist. 6 - To Education)

HB 126-FN, relative to sunset review of the higher education fund - U.N.H.

cooperative extension service. (Taffe of Grafton Dist. 6 - To Education)

HB 127-FN, relative to sunset review of the higher education fund - U.N.H. system administration. (Taffe of Grafton Dist. 6 - To Education)

HB 128-FN, relative to sunset review of Keene state - board of education. (Taffe of Grafton Dist. 6 - To Education)

HB 129-FN, relative to sunset review of veterinary/medical/optometric education program. (Taffe of Grafton Dist. 6 - To Education)

HB 130-FN, relative to sunset review of the department of agriculture - office of commissioner. (Campbell of Rockingham Dist. 20 - To Environment and Agriculture)

HB 131-FN, relative to sunset review of the department of agriculture - meat inspection. (Campbell of Rockingham Dist. 20 - To Environment and Agriculture)

HB 132-FN, relative to sunset review of the department of agriculture - bureau of weights and measures. (Campbell of Rockingham Dist. 20 - To Environment and Agriculture)

HB 133-FN, relative to sunset review of the department of agriculture - bureau of markets. (Campbell of Rockingham Dist. 20 - To Environment and Agriculture)

HB 134-FN, relative to sunset review of the milk sanitation board. (Campbell of Rockingham Dist. 20 - To Environment and Agriculture)

HB 135-FN, relative to sunset review of administration and control - division of graphic services. (Watson of Hillsborough Dist. 13 - To Executive Departments and Administration)

HB 136-FN, relative to sunset review of the fish and game department - fish resources. (Cate of Merrimack Dist. 13 - To Fish and Game)

HB 137-FN, relative to sunset review of the department of health and welfare - division of welfare. (Craig of Hillsborough Dist. 3 - To Health and Welfare)

HB 138-FN, relative to sunset review of the board of probation. (Lane of Cheshire Dist. 15 - To Judiciary)

HB 139-FN, relative to sunset review of the board of probation - crime commission grant. (Lane of Cheshire Dist. 15 - To Judiciary)

HB 140-FN, relative to sunset review of the board of probation - domestic relations and collections. (Lane of Cheshire Dist. 15 - To Judiciary)

HB 141-FN, relative to sunset review of the safety department - division of state police. (Lane of Cheshire Dist. 15 - To Judiciary)

HB 142-FN, relative to sunset review of the parole board. (Lane of Cheshire Dist. 15 - To Judiciary)

HB 143-FN, relative to sunset review of the parole board - crime commission grant. (Lane of Cheshire Dist. 15 - To Judiciary)

HB 144-FN, relative to sunset review of the labor department - administration and support. (Nichols of Merrimack Dist. 2 - To Labor, Human Resources and Rehabilitation)

HB 145-FN, relative to sunset review of the labor department - inspection division. (Nichols of Merrimack Dist. 2 - To Labor, Human Resources and Rehabilitation)

HB 146-FN, relative to sunset review of the labor department - labor statistics. (Nichols of Merrimack Dist. 2 - To Labor, Human Resources and Rehabilitation)

HB 147-FN, relative to sunset review of the labor department - workmen's compensation. (Nichols of Merrimack Dist. 2 - To Labor, Human Resources and Rehabilitation)

HB 148-FN, relative to sunset review of the labor department - workmen's compensation commission. (Nichols of Merrimack Dist. 2 - To Labor, Human Resources and Rehabilitation)

HB 149-FN, relative to sunset review of the safety department - division of safety services. (Zimmerman of Merrimack Dist. 11 - To Public Protection and Veterans' Affairs)

HB 150-FN, relative to sunset review of the department of public works and highways - construction and reconstruction. (Walter of Grafton Dist. 13 - To Public Works)

HB 151-FN, relative to sunset review of the department of public works and highways - maintenance. (Walter of Grafton Dist. 13 - To Public Works)

HB 152-FN, relative to sunset review of the department of public works and highways - community assistance state funds. (Walter of Grafton Dist. 13 - To Public Works)

HB 153-FN, relative to sunset review of the racing commission - thoroughbred racing. (Russell of Hillsborough Dist. 15 - To Regulated Revenues)

HB 154-FN, relative to sunset review of the racing commission - harness racing. (Russell of Hillsborough Dist. 15 - To Regulated Revenues)

HB 155-FN, relative to sunset review of the racing commission - racing laboratory. (Russell of Hillsborough Dist. 15 - To Regulated Revenues)

HB 156-FN, relative to sunset review of the department of resources and economic development - administration and support. (Dickinson of Carroll Dist. 2 - To Resources, Recreation and Development)

HB 157-FN, relative to sunset review of DRED - recreation services. (Dickinson of Carroll Dist. 2 - To Resources, Recreation and Development)

HB 158-FN, relative to sunset review of centralized data processing - administration and support. (Randall of Belknap Dist. 3 - To Science and Technology)

HB 159-FN, relative to sunset review of centralized data processing - data processing operation. (Randall of Belknap Dist. 3 - To Science and Technology)

HB 160-FN, relative to sunset review of centralized data processing - planning and support. (Randall of Belknap Dist. 3 - To Science and Technology)

HB 161-FN, relative to sunset review of centralized data processing - systems development. (Randall of Belknap Dist. 3 - To Science and Technology)

HB 162-FN, relative to sunset review of centralized data processing - agency revenues. (Randall of Belknap Dist. 3 - To Science and Technology)

HB 163-FN, relative to sunset review of the board of taxation. (Peters of Hillsborough Dist 11 - To Ways and Means)



## VACATE

Rep. Lane moved that the House vacate the reference of HB 141-FN, relative to sunset review of the safety department - division of state police, to the Committee on Judiciary.

Adopted.

The Speaker referred HB 141-FN to the Committee on Transportation.

Reps. Rounds and Spirou offered the following:

## HOUSE RESOLUTION NO. 11

fixing January 27, 1983 as the date through which House Rules may be amended by majority vote.

WHEREAS, the House voted on December 1, 1982, to adopt the Rules of the 1981 Session on a temporary basis and that it would fix the date through which amendments could be made by majority vote on the day (January 5), now therefore be it

RESOLVED, that the rules of the House may be amended by majority vote through January 27, 1983.

Adopted.

Rep. French offered the following:

## HOUSE RESOLUTION NO. 12

designating Friday, January 28, 1983 as the deadline for the filing of drafting requests.

WHEREAS, the membership deems it necessary to assure a smooth work flow and prevent forced and hasty consideration of legislation, now therefore be it

RESOLVED, that Friday, January 28, 1983, be the last day for members to file drafting requests by title with the Office of Legislative Services.

Adopted.

Reps. Rounds and Spirou offered the following:

## HOUSE RESOLUTION NO. 13

adopting joint rules for the 1983 session.

RESOLVED, by the House of Representatives, that the House Rules Committee meet with the Senate Rules Committee for the purpose of drafting 1983 Joint Rules for adoption.

Adopted.

## FOR GOVERNOR

	<u>Sununu</u>	<u>Gallen</u>	<u>Thomson</u>
Belknap	7,281	6,298	230
Carroll	7,120	4,078	222
Cheshire	7,764	9,558	236
Coos	5,667	4,908	213
Grafton	9,814	9,405	310
Hillsborough	46,113	35,074	1,425
Merrimack	13,691	18,725	465
Rockingham	31,533	25,341	1,188
Strafford	11,400	13,421	331
Sullivan	5,006	5,509	165
TOTALS	145,389	132,317	4,785

The Speaker announced that the Committee that was appointed to select a Chaplain for the 1983 session has selected Rev. David W. Bell of the United Methodist Church in Contoocook.

## RECESS

JOINT CONVENTION  
(Speaker presiding)

Rep. French and Sen. Roy offered the following:

## HOUSE CONCURRENT RESOLUTION NO. 1

memorializing Governor Hugh J. Gallen.

WHEREAS, on December 29, 1982, the untimely death of Governor Hugh J. Gallen has taken from New Hampshire one of its most loyal and dedicated public servants, and

WHEREAS, Hugh Gallen's devotion to his fellow man and his efforts to improve the quality of life for all New Hampshire citizens earned him the admiration of all who knew him both within and without the state, and

WHEREAS, among the many noteworthy accomplishments during his two-term tenure, Governor Gallen was especially recognized for his efforts in passing hazardous waste legislation, seeking federal aid for low-income and elderly housing and highlighting the need to streamline state government through reorganization, and

WHEREAS, the people of New Hampshire acknowledge with gratitude his unselfish contribution and lifelong commitment toward good government, now therefore, be it

RESOLVED, by the House of Representatives, the Senate concurring, that the General Court expresses its deep sense of loss upon the passing of Governor Hugh J. Gallen and, be it further

RESOLVED, that the General Court express its heartfelt sympathy to the Governor's wife, Irene, and their children.

Adopted unanimously by the House and Senate in Joint Convention by a rising vote of silent prayer.

Sen. Stabile and Rep. Rounds offered the following:

RESOLVED, that the Honorable Secretary of State be requested to lay before the convention the returns of votes for Governor and Councilors.

John H. Sununu having a plurality of 13,072 votes, was elected Governor.

FOR COUNCILORS

First District:

Raymond S. Burton, Bath r&d 52,085

Second District:

Peter J. Spaulding, Hopkinton r 30,754  
Gordon R. Blakeney, Jr., Concord d 20,538

Plurality for Spaulding 10,216

Third District:

Dudley W. Dudley, Durham d 27,656  
Geraldine Sylvester, Dover r 26,209

Plurality for Dudley 1,447

Fourth District:

Louis J. Georgopoulos, Manchester r 25,466  
Peter R. Poirier, Jr., Manchester d 25,307

Plurality for Georgopoulos 159

Fifth District:

Bernard A. Streeter, Jr., Nashua r 26,623  
James W. Donchess, Nashua d 22,588

Plurality for Streeter 4,035

Sen. Freese and Rep. Townsend offered the following:

RESOLVED, that the vote for Governor and Councilors be referred to a committee consisting of one on the part of the Senate and two on the part of the House to compare and count the same and report thereon. Adopted.

The Chair appointed Reps. Daniel Healy and D'Amante and Sen. Lamontagne.

Sen. Stabile and Rep. Rounds moved that the Joint Convention arise. Adopted.

HOUSE  
(Speaker presiding)

The Speaker addressed the House.

New Hampshire, as a state, and we here in this chamber, as citizens and as government leaders, have been through a very difficult time over the past several days. Yet even as we found ourselves mourning our loss and dealing with the emptiness we have felt, we have to take pride in the knowledge that we as a nation and we as a state indeed have been blessed by virtue of our forefathers having had the wisdom and skill to fashion a fabric of government and society that even the worst of times cannot destroy; a form of constitutional government that gives us a sense of security, a knowledge that we as a people will continue to function in an ordinary manner, even under extraordinary circumstances.

This last week has demonstrated clearly how our constitution, which is a living document, works best when it is implemented by strongly principled public servants of the highest calibre. We all owe a debt of gratitude to one seasoned legislator in particular who performed admirably. Senate President Vesta Roy accepted her duties as a new presiding officer and her unexpected role as Acting Governor with grace and ability. We thank her. Also deserving of our thanks are the staff of Governor Gallen as well as Governor-elect John Sununu and his staff who all worked together in harmony for the good of the state in these most difficult of times.

Today, as a part of that process of self-government guaranteed by our constitution and nurtured by a citizenry sensitive to the need for orderly government, we begin working together to go forward into the future, despite our loss.

Let us learn from this experience. Let us dedicate ourselves to that which is important. Let's work to set pettiness aside. Let's strive to eliminate personal acrimony. Let us address the issues and not personalize them. Let's have recognition that honest debate of our differences is healthy and is in the true spirit of our constitution. Negativism, vindictiveness and personal attack should not play a role in this process and are destructive.

We here in New Hampshire have good government, government of which we can be proud. It works well, it works on behalf of the people. It is free of corruption. Let's be positive about our state, its government and its institutions.

Let us now dedicate ourselves to address at the highest plane those issues that are important to the people of this state and are for the good of this state. There is no room in this chamber, nor is there room in this process, for those who cannot rise to this standard.

We shall through our committees, and on the floor of this house, give full and fair consideration to differing points of view. Indeed, we shall have strong differences of opinion. But through mutual respect and understanding we shall develop the compromises which ultimately provide the laws of democracy. Through the legislative process, we create those laws which enable us to meet our responsibility to our people, ride out times of difficulty, and provide for the future.

To be sure, let each of us pledge to make government work more efficiently and more effectively, but to do so without denigrating those who are currently giving the best that they have on behalf of the people of New Hampshire. Let us show a respect for those employed by the state, those charged with carrying out the public policy that this legislative body has established.

As the 1983 session begins, it is my hope that our attention will not be centered on the development of a state budget alone. While austerity will be the order of the day, not only in New Hampshire but throughout this country, we cannot allow that to be the end, in and of itself. With austerity there must at the same time be a

recognition of our responsibility. The general good and welfare of our people as called for in our constitution should be of paramount importance. There are worse sins in government than the raising of sufficient revenues to meet our moral obligations.

While we must strive to live within our means, it is important to remember that by virtue of the initiatives of the 1981 session there have been set in motion several recommendations which we must address. One of these was the creation of the revenue reform committee. This committee was charged by law to study the entire structure of the state's revenue resources and to make recommendations. It is now our responsibility during this session to give the report of that committee full and fair consideration and to see that the work is not prejudged. In order to fulfill the intent of the law, the House Ways and Means Committee must carefully examine the committee's work to insure that a balance is struck which incorporates the best ideas of all viewpoints.

We must understand that there is no dishonor in doing the right thing; and we must understand that the way to determine what is right is to allow a free dialogue on all sides of the revenue issue and every issue. What is dishonorable is to deny the people their right to a free and open discussion of all possible options to reach a balanced consensus. I am not suggesting to you where that balance is. I do not singly have the answer. I would suggest neither does anyone else, and that anyone who suggests that they have the ultimate answer should be held suspect. Rather, the answer lies in the collective judgment arrived at through our legislative process.

The 1981 Session also set in motion a substantial initiative in the area of restructuring our Executive Branch. A blueprint for future organizational structure has been brought forth by the Joint Legislative Committee on Executive Reorganization. To signify its importance, this legislation has been filed as House Bill 1, the Executive Reorganization Act of 1983.

The initial work on this was done jointly by the House and Senate. Much of the work was fashioned by the Executive Branch itself. It is an excellent example of recognizing a problem and working together to solve it. Because of the work done by both the past administration and the incoming one, this legislation has the earmark of success. I foresee an early and successful conclusion to this initial step of executive reorganization.

Adjuncts to executive reorganization are the positive recommendations from the Governor's Management Review and the Sunset Reports. We shall incorporate those recommendations, which are appropriate, into our reorganization effort.

While we hope to have early consideration of the budget and executive reorganization, there are also many other areas of concern to be addressed. Some of these will have an impact on the budget.

One of these involves Laconia State School and New Hampshire Hospital. Let us not jealously guard our preconceived notions

of how best to deal with this situation. Let us consider what is the highest goal. The State Institutions Committee will act on a study initiated in the 1981 session and completed by the Joint Fiscal Committee. This study details the benefits of combining both hospitals into one modern and energy-efficient facility which will better serve the needs of the patients. The quality of care can be further enhanced by a formal affiliation with Dartmouth Medical School. With this report we have an opportunity to take a bold step forward which will benefit the state fiscally, but more importantly, will ensure modern, updated care and treatment.

In the area of education, the 1981 session directed the House Education Committee to give close examination to our vocational-technical colleges to see if business, industry and our young people can better be served through a more autonomous structure.

Yet, this is only one area that the Education Committee must consider. We find ourselves today propelled into a society which is both complex and intricate. It has been recognized that the economic vitality of the New England Region, and New Hampshire in particular, are tied to high technology, the backbone of New Hampshire's economic base. We cannot ignore serving business and industry in this and other areas. Our educational system at all levels must be assisted to stay abreast of the demands of a technological society.

A recent study commissioned by the New England Board of Higher Education shows a critical shortage of elementary and secondary science and math teachers in New England. Our Legislative Science Academy has also independently identified this same problem in New Hampshire. I am asking the Education Committee to develop legislation which will insure that we provide the youth of this state with skilled teachers.

The 81 Session created by statute the Task Force on Low Level Radioactive Waste. That task force is working in conjunction with the other northeastern states to find a workable solution to the safe disposal of low level radioactive waste. We must address those recommendations in this session.

Another one of the problems facing this state is the area of law and justice, and in particular, juvenile justice. Once and for all, we must determine what our policy is regarding the Youth Development Center and where we plan to go.

Other concerns which must be addressed are alcohol and drug abuse, the root of most of our crimes and social problems, and drunken driving, a contributor to our clogged court system which ultimately denies our law-abiding citizens speedy redress of their civil grievances.

We cannot, as a state, simply keep adding judges to the bench and jail cells to our prison. A deeper, more thoughtful examination of this problem is required.

The problem of alcohol and drug abuse has had a severe impact on our court system, but it has also severely affected the entire area of health care cost. It is incumbent on the Health and Welfare Committee to be an



integral part of the thinking and discussions relating to alcohol and drug abuse. But this is only one area as it relates to health care. The Health and Welfare Committee must also provide leadership and initiative in finding new and creative ways to control the rapidly escalating costs of health care.

The cost of health care has led, and continues to lead by a large margin, the overall rate of inflation. We cannot wait for Washington to resolve this problem. We must tackle the problem to the best of our ability. I urge the Health and Welfare Committee to pursue the effective use of home health care as one element in a solution to the problem.

I see these as among some of the paramount concerns that we as a body must address this session. There will be, of course, a host of other issues, and we have the ability to deal with each issue in a constructive and reasoned manner.

I urge all standing committee members who discover that the real root of the problem before them rests at the Federal level, to act accordingly. Take that concern actively and aggressively to our congressional delegation. Secure their assistance in finding a solution to the problem. You will find that our congressional delegation not only is responsive but will work effectively to secure a satisfactory resolution. That, in and of itself, should be viewed as a key facet of the new federalism, a term, by the way, which I do not shy away from. It is high time we recognize that we have demonstrated that we can execute programs more effectively to the benefit of our citizens here in New Hampshire than can be done under the direction of a federal bureaucracy in Washington. I do not fear change in our relationship to the Federal Government, but it must be made clear to Washington that added state responsibilities must be accompanied by a turnback in funds.

We can do a better job for New Hampshire than Washington can. We have demonstrated that. I have more confidence in each of you in this chamber and those agencies across the river to know the needs of our citizens and provide the services to meet those needs.

Each of us is under our Constitution sworn to act in the best interests of the state, and that interest can best be served by tolerating and respecting the views of fellow members, members of government agencies, and members of the public.

As we address the issues before us, we must all ultimately abide by the will of the majority, set aside disappointments and move on.

To accomplish our tasks, I call upon you to open your minds to new ideas, accept new challenges and practice the art of compromise.

Rep. Spirou moved that the Speaker's remarks be printed in the Journal.

Adopted.

Reps. Rounds and Spirou moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourn today it be to meet Thursday, January 6 at 10:30 a.m.

Adopted.

#### LATE SESSION

Rep. Rounds moved that the House adjourn. Adopted.

The House adjourned at 2:10 p.m.

# HOUSE JOURNAL 3

*Thursday, 6Jan83*

The House assembled at 10:30 a.m., the hour to which it stood adjourned, and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

O God Almighty, author of all wisdom, we, amid our days of endings and beginnings look to You as the source of our understanding. Guide us, we ask Thee, for the tasks that lie ahead. Hear the fears of those of us who are new to this chamber; let our convictions be more steady than our knees. We thank You for the counsel of our experienced members. May freshness and experience be mingled to the profit of our deliberations. Let us be of one mind in our caring for the needs of all the citizens of our state. As the world began in Your mind, love began in Your heart; so let our laws begin in Your will. Amen.

## LEAVES OF ABSENCE

Reps. Bernard and Bartlett, the day, illness.

Reps. Lynde, Schreiber, Nichols, Michaelides, Hardy, Cronin, Doris Riley, Gregorio, Kaklamanos, Roland Lemire, Barber, Celinas, Trombly and Abrams, the day, important business.

## INTRODUCTION OF GUESTS

Bruce Miller, guest of Rep. M. Arnold Wight; Mrs. Christine Peoples and Mrs. Alyce Holbrook, guests of Rep. Holbrook; Eric St. Laurent, guest of Rep. Downing; Helen Musler and Cindy Musler, wife and daughter-in-law of Rep. Musler; Marjorie Timm, guest of Rep. Timm; Mrs. Althea Splaine, wife of Rep. Splaine; Mrs. Gladys Romoli, wife of Rep. Romoli.

Rep. French offered the following:

## HOUSE CONCURRENT RESOLUTION NO. 2

naming the State Records Management and Archives Building the Leon W. Anderson Building.

WHEREAS, Leon W. Anderson has worked diligently for many years chronicling the political happenings in New Hampshire as a reporter and legislative historian, and

WHEREAS, Leon W. Anderson has served the State of New Hampshire in a variety of capacities, as a member of the State Racing Commission, member of the New Hampshire Historic Preservation Review Board and as a member of the General Court where his seat was the "Press Table," and

WHEREAS, the various projects and endeavors in which he has been involved during his lifetime, both in and outside of public service have substantially enhanced the quality of life in the State of New Hampshire and our understanding of the founding and development of our New Hampshire governmental system, now, therefore be it

RESOLVED, by the House of Representatives, the Senate concurring, that the State Records Management and Archives Building be named the Leon W. Anderson Building, and be it further

RESOLVED, that a copy of this Resolution be presented to Mr. Anderson.

Adopted.

Reps. Rounds and Spirou offered the following:

RESOLVED, That the Honorable Senate be notified that the House of Representatives will be ready to meet the Senate in Joint Convention at 11:30 a.m. for the purpose of hearing the report of the Joint Committee appointed to compare and count the votes for Governor and Councilors and the Inauguration of the Governor-elect, the Honorable John H. Sununu.

Adopted

## APPOINTMENTS BY SPEAKER STATUTORY COMMITTEES

DATA PROCESSING COMMISSION (RSA 8-C:2): Rep. John P. Lawrence.

ADVISORY BUDGET CONTROL COMMITTEE (RSA 9:13a): Reps. William F. Kidder, Chairman, John J. Kane and Margaret A. Ramsay.

LEGISLATIVE FISCAL COMMITTEE (RSA 14:30-a): Reps. William F. Kidder, Paul I. LaMott, William R. Matson, Rowland H. Schmidtchen and Andrea A. Scranton.

LEGISLATIVE FACILITIES COMMITTEE (RSA 17-E:2): Reps. John B. Tucker, Chairman, Bruce C. Rounds, Chris Spirou, William F. Kidder, Paul I. LaMott and Marshall French.

JOINT LEGISLATIVE HISTORICAL COMMITTEE (RSA 17-I): Reps. John B. Tucker, Marshall French, Bruce C. Rounds and Chris Spirou.

CAPITAL PLANNING COMMITTEE (RSA 17-J): Reps. John B. Tucker, James V. Bibbo, Jr. and Paul I. LaMott.

SPECIAL COMMITTEE ON REVENUE AND FUND BALANCE CERTIFICATION (Chapter 42:211, Laws of 1982): Reps. William F. Kidder, W. Douglas Scamman and Margaret A. Ramsay.

NEW HAMPSHIRE COUNCIL ON AGING (RSA 167-A): Reps. Ednappearl F. Parr and William P. Boucher.

NEW HAMPSHIRE BOARD OF CLAIMS (RSA 541-B:3): Rep. Richardson D. Benton.

OFFICE SPACE STUDY COMMITTEE (Chapter 233, Laws of 1979): Reps. John B. Tucker, Paul I. LaMott, James V. Bibbo, Chairman, and Milton Cate.

## RECESS

The following guests were introduced:

The Honorable Shane Devine, Judge of the U.S. District Court and his lady; The Honorable Martin F. Loughlin, U.S. District

Judge and his lady; The Honorable Justices of the Superior Court and their escorts; The Honorable Chief Justice John W. King and Justices of the New Hampshire Supreme Court and their ladies; members and former members of the Congressional Delegation and their ladies; former Governors Sherman Adams, Hugh Gregg, Lane Dwinell and his lady and Meldrim Thomson, Jr. and his lady; Councilor Malcolm McLane; the Governor's personal Military Staff and their escorts; Mrs. Hugh J. Callen and her escort, Sgt. Neil Scott of the New Hampshire State Police; escorts of the Councilors-elect; Mrs. Tucker, lady of the Speaker of the House; Dr. Roy, spouse of the President of the Senate and their son; The Governor-elect's lady, Mrs. Sununu and family; the Attorney General; the State Treasurer Robert W. Flanders; the Secretary of State William M. Gardner; the House leadership; the Honorable Senate; the Councilors-elect and the President of the Senate, the Honorable Vesta M. Roy.

JOINT CONVENTION  
(Speaker presiding)

Sen. Lamontagne and Reps. Daniel Healy and D'Amante offered the following report:

The Joint Committee appointed to compare and count the votes for Governor and Councilors, reports that it has attended to its duties, and the vote is correct.

Sen. Carswell and Rep. Rounds offered the following:

RESOLVED, that a committee of six be appointed by the Speaker to wait upon the Honorable John H. Sununu, and inform him officially of his election as Governor of the State of New Hampshire.

Adopted.

The Chair appointed Reps. Rounds, Townsend, French and Spirou and Sens. Poulsen and White.

Sen. Podles and Rep. Townsend offered the following:

RESOLVED, that a committee of five be appointed by the Speaker to wait upon the Honorable Councilors-elect: Raymond S. Burton, Peter J. Spaulding, Dudley W. Dudley, Louis J. Georgopoulos, Bernard A. Streeter, Jr. and inform them of their election as Executive Councilors.

Adopted.

The Chair appointed Sen. Bartlett and Reps. Harold Burns, Russell, Tamposi and Chambers.

Sen. Poulsen and Reps. Daniel Healy and D'Amante offered the following report:

The Joint Committee appointed to wait upon Honorable John H. Sununu and inform him officially of his election as Governor of the State of New Hampshire reports that it has attended to its duty; that the Governor-elect has accepted said office and will meet the Senate and House of Representatives in Joint Convention at the earliest convenient time to take the oath of office and make such communication as he deems proper.

Escorted by the Joint Committee, the Governor-elect entered the House.

The New Hampshire National Guard posted the colors, followed by the singing of the National Anthem by Senator Vance R. Kelly.

The Invocation was offered by The Most Reverend Odore J. Gendron, Bishop of Manchester.

All praise and glory are Yours, Lord our God.

Maker and ruler of the universe.

You are the Author of Freedom, the source of all power.

We, Your people, thank You for the blessings of liberty.

Help us to fulfill the civic responsibilities that accompany those blessings.

From many, You choose a few to guide and serve Your people.

We rejoice as we gather today for the inauguration of Governor John Sununu.

We ask that Your Spirit descend on us today as we begin this ceremony.

May Governor Sununu, and all whom we have chosen to grant the authority to govern us work diligently, perseveringly and conscientiously for the cause of truth and justice, for the good of our State, and of our Nation, and our world.

May Your grace strengthen them to work with order and patience, thankfulness and joy.

May all strive dutifully to fulfill their tasks, that their accomplishments may benefit others and serve their needs. Strengthen each of us with a willingness to risk for the sake of Your kingdom, and help all of us to continually be concerned for one another.

We make this prayer to the praise and the glory of Your name. Amen.

The President of the Senate, Vesta M. Roy, administered the oath of office to Governor-elect John Sununu and presented the Governor with a copy of the State Constitution.

Sen. Freese and Rep. Chambers offered the following report:

The Joint Committee appointed to wait upon the Honorable Raymond S. Burton, Peter J. Spaulding, Dudley W. Dudley, Louis J. Georgopoulos, Bernard A. Streeter, Jr. and inform them officially of their election as Councilors of the State of New Hampshire reports that it has attended to its duty; that the Councilors-elect have accepted said office and will meet the Senate and House of Representatives in Joint Convention to take the oath of office.

The Governor administered the oath of office to the Honorable Councilors-elect.

A Prayer for Peace was offered by Father Soterios Alexopoulos, Pastor of Saint Philip's Church, Nashua.

In the name of the Father and of the Son and of the Holy Spirit. Amen.

Let us pray to the Lord. Lord have mercy.

For the peace from above and for the salvation of our souls let us pray to the Lord for the peace of the whole world, for the stability of the Holy Churches of God and for the union of all mankind, let us pray to the Lord.

The above-mentioned two verses are a prayer of peace and each time a priest celebrates the Divine Liturgy he prays for peace.

Two weeks ago, we celebrated the birth of the prince of peace, our Lord, Jesus Christ. A week ago, we started the New Year and we greet one another that the year will be peaceful.

Therefore, we need peace. Peace brings prosperity, brings people together. This kind of peace we pray today that the Almighty God will grant Governor John Sununu, his family, the Councilors, those who are going to work with him and for him and the citizens of our state, of our nation, of the world.

Hear our petitions, O Lord, for peace in our households, in our institutions, in our state, in the country, in the whole world. We beseech You to sustain, protect, guide and inspire Governor John Sununu to continue whatsoever things are just, noble, right, pure, lovely and honorable.

The Lord said peace be with you all, go in peace. This peace we ask in the name of the Father and of the Son and of the Holy Spirit. Amen.

A Prayer for Thanksgiving was offered by Rabbi Richard Polirer of Temple Israel, Manchester.

So sang the Psalmist: "Praise the Lord for He is good; His love is everlasting."

Indeed, it is all important to come before Almighty God in praise for the goodness He brings to our lives. At this time, as the reins of leadership in this great State of New Hampshire pass to Governor John Sununu, let us pause in prayer of thanksgiving:

O God, You are the strength of my hands and the light of my life. All that I am and all that I may yet be, I owe to the creative power that You have implanted within me. Give me, therefore, a wise and constant spirit, a mind free from arrogance or vanity. Grant me humility, that I may be conscious of my own limitations, imperfections and weaknesses. Above all, fill me with an awareness of my debt to others for what I have achieved.

Even as I exult in the success of my labors, so too, may I glory to be kind in thought, gentle in word, and generous in deed, that others may have cause to rejoice in my accomplishments. May it be Your will, O God, to give me a grateful heart and a loving disposition, so that I may be Your messenger for blessing to all those whose lives I touch. Thus, would I give thanks for all the blessing that has come unto me. Amen.

Blessed art thou O Lord our God, King of the Universe, who has kept us in life, sustained us, and enabled us to reach this day. Amen.

The Governor delivered his inaugural address as follows:

Mr. Speaker, Madam President, Mr. Chief Justice, Honorable Members of the Senate and House, Distinguished Guests and my fellow Citizens of this magnificent Granite State:

Thank you for this high honor you have conferred upon me.

Nancy and I, and our family are profoundly grateful to all of you who have helped make this moment possible.

There is a tremendous mix of emotions involved in these proceedings; one feels humbled by the warmth of your welcome, but proud to accept the challenge contained in the solemn oath just taken;

Awed by the responsibility bestowed by the voters of this state, yet eager to begin service and to address the needs of our citizens;

Elated at the opportunity to serve as Governor of New Hampshire, while mindful of the sadness evoked by the tragic death of my predecessor Hugh Gallen.

As I stand before you now to accept that responsibility, to address those needs, to begin my service as Governor, I ask your prayers for the strength, wisdom, judgment, patience and good humor needed to successfully meet the challenges ahead and I ask that you and all the citizens of New Hampshire join Nancy and me in remembering Hugh Gallen in our prayers.

It is a distinct pleasure to welcome and congratulate the members of the 148th session of the New Hampshire General Court, especially those of you honored by election for the first time. I have many fond memories of my service in this Legislature. You should find it one of the richest, most rewarding experiences of your life.

These historic chambers remind us of the traditions of our state, its heritage of liberty and its quality of life, but today the state of New Hampshire faces challenges as great as any she has ever confronted.

Among all our needs are two that must be met directly - one is the product of the pressures of recent times; the other the product of changes which have occurred over many decades.

The first and foremost issue is the fiscal condition of our state. We come into office saddled with a significant deficit. State expenditures, fueled as much by the rhetoric of the times as by actual need, have grown beyond our current means.

The second issue, equally high in priority, has been with us for decades. The state needs to restructure our government and to establish an efficient management framework.

In a real sense the two problems of budget and reorganization are not independent. They cannot be solved in a single stroke, but they can be considered together, in context as part of a redirection, a revitalization of this state.



This revitalization must be more than shifting budget numbers and moving boxes on organization charts.

Our citizens want a strong economy, better jobs, holding the line on taxes, while making New Hampshire a vibrant, exciting place to live, to work, and to raise a family.

Our budget problems must be addressed with a very pragmatic appraisal of the real situation we face. We must return New Hampshire to solvency and a sound financial position. We must in this coming Legislative session produce a truly sound fiscal program for the state.

It is important to recognize that New Hampshire is not unique in facing budget problems at this time. States across the nation have similar problems. The challenge is to find a New Hampshire solution within the traditions of our own state.

I have made a pledge to veto a general sales or income tax. I look at the commitment not as a constraint but as a tool to forge a program we can be proud of.

New Hampshire's tradition in resisting a general sales tax or income tax is not an idle exercise. This tradition has served and will continue to serve as an attractant and a stimulus to quality economic growth. This growth creates jobs, and opportunities for our citizens. It is why historically our economy has been the envy of our sister states in the northeast.

Our challenge is to develop an operating budget, a capital budget, and a financial plan which meets New Hampshire's current needs and our long range aspirations, and does not jeopardize our economic advantages. With the help and active support of the dedicated members of the House and the Senate, it can be done, it will be done.

We will submit that budget, that capital program and that financial plan which addresses the valid needs of the State of New Hampshire. We will fund our priorities within the resources readily available.

Where appropriate the cost savings and management recommendations of recent studies will be implemented.

Our departments and agencies will be asked to improve their effectiveness and efficiency. Our cities and towns as recipients of state funds must also be asked to improve their effectiveness and efficiency. Where we can we will provide the legislative tools to assist them in their task. We will not impose any new unfunded mandates on our cities and towns. But proper response to the pressures of the times requires a strong, cooperative, coordinated effort at all levels.

Not only must we improve the reality of our fiscal situation, we must also improve how the rest of the nation perceives that fiscal situation. That perception by the investment community is vital to reestablish fiscal credibility and stimulate our economy.

We must commit ourselves to an improvement of the financial systems within state government. We must recommit ourselves to the process of effectively communicating with the business and financial communities. Our programs will move the state toward restoration of our fiscal reputation.

The problem of restructuring and reorganizing state government is a more subtle and elusive task.

In spite of the long term recognition of the need for reorganization, the basic division of governmental functions, the scope of their authority, and many of the activities within the framework of the State of New Hampshire have not been changed in several generations.

Fifty years ago, virtually to the day, on January 5, 1933, Governor John Winant declared in his inaugural address "We need a guide for disentangling and straightening the lines of government authority and responsibility, so that waste may be prevented and governmental functions executed more efficiently."

Half a century ago the Brookings Institute found "There are too many separate and independent state agencies, and too many boards and commissions."

Nearly two decades later Governor Sherman Adams addressed the need saying "The State has too many unrelated agencies."

A decade after that, Governor Wesley Powell echoed the call and pushed through the last successful reorganization noting "It is not drastic to suggest that heads of departments be made responsible in fact as well as in name."

Four years later, then Governor and now Supreme Court Chief Justice John King added, "The progress of streamlining state government should be carried further."

The refrain was continued by Governor Walter Peterson whose task force said "Modernization of government can and must precede all other actions and must occur very soon."

House Speaker John Tucker and Senate President Vesta Roy have in recent days recognized the underscored similar statements.

I have for over a year emphasized how critical that need is. Action is truly imperative, now. For 50 years the need to reorganize state government has been clearly recognized; working together we can accomplish it in 1983.

I have stressed the needs of a balanced budget and reorganization of state government.

But certainly we have additional goals for the next two years. Without making this address a litany of proposed legislation, may I list some of the more desirable objectives. They include:

A strengthened criminal justice system.  
Improved access to tuition assistance for our college bound students.

Incentives to fill the growing need for teachers in mathematics and science.

Expansion of our vocational educational opportunities.

Implementation of more realistic, effective, efficient structure to our health and mental care delivery systems.

Effective promotion of our state recreation and tourism.

Movement toward restoration of our Bond rating.

And perhaps most important of all, the expansion of our jobs and employment opportunities. Make no mistake about it, the availability of good paying jobs is a

significant part of the quality of life. We must maintain our efforts and programs which will continue to attract quality businesses to New Hampshire. The future well being of our citizens depends on our ability to attract and expand high tech opportunities and employment in electronics, computer sciences and light manufacturing.

I hope we can constructively address this agenda of responsibilities in a spirit of partnership and a recognition that any success is truly a shared victory.

I have over this past year emphasized my belief that any challenge can be met by good, talented, dedicated, experienced people. To that end I will make every effort to seek assistance from every segment within our state. There are talents and capabilities already in state government, in business, in education and especially among our individual citizens. We welcome their help; we solicit their contributions of time and effort.

The ultimate test which will determine the eventual success or failure of our programs will be the response and support of our fellow citizens.

I am ready and anxious to cooperate with any and all who are prepared to join in developing true solutions to the problems at hand. All my efforts will be focused on meeting our obligations, and fulfilling the needs of our state.

On every issue there are certain to be many sides, each often with a valid perspective. Let us emphasize those facets which can unite us, rather than belabor the distinctions which divide us.

Only our conscience can truly measure our success, and the final judgment of history will probably come well after we are gone. Nevertheless, let us forge a partnership of citizens, our legislature and our executive offices to go forth and meet the challenge, knowing full well that individually and together we have promises to keep and miles to go before we sleep.

A Prayer for a successful administration was offered by Reverend Gary Clark of the First Baptist Church, Salem.

Our Father and Eternal God, we unite our hearts together in one grand crescendo of intercession for Your special blessing and administrative grace to rest on Your Servant, John Henry Sununu, as he assumes the awesome task of the chief executive officer of the State of New Hampshire.

We humbly ask that Your Holy Presence will pervade every aspect of his leadership in the affairs of state. Let his personal Christian faith strengthen him in every role of his office in order that he will lead with undaunted courage based on sound ethical convictions. Let the Holy Spirit fill his life with Your divine wisdom in making the decisions of state so he will be loyal to the highest values and preserve the sanctity of life as a God-given treasure.

Let righteousness and justice be the marks of his administration. Let him ever be sensitive to the cry of the injured and the plight of the needy. Give him sound fiscal judgment. Help him keep the charge of the Lord to walk in all Your ways and

keep all Your statutes that he may prosper in all that he does and wherever he goes.

Enable us citizens to uphold him in our daily prayers and encourage him with our loyal support.

Grant John and his family good health. Bestow the constant affirmation of Your divine love upon him through all the days of his service to the residents of New Hampshire as the Governor.

We pray through Jesus Christ, our Lord. Amen.

The Benediction was offered by Father Maurice Lavigne of Saint Matthews Church, Windham.

God our most merciful and most loving Father, You who are the seat of all authority and all wisdom, we pause for a moment at the end of our festivities to very humbly and very sincerely place Your servant, John Sununu, our new Governor before You.

We are mindful of the dignity of his office. We are mindful of the great responsibilities that You place upon him; we are also very aware of the fact that he is a man, and like any other man he is Your child and equal to all his brothers and sisters in Your sight. Because he is human, he is not an island, and he needs the prayers, the support and the cooperation of good people.

We ask that he be surrounded by people of good moral, ethical judgment. People who will work with him for good and not for evil.

People that will challenge him and will encourage him to be a good governor. We pray and we beg, that You will make him very simply a good man. Totally aware of his dependence upon You.

In the busy days that lie ahead of him, give him rest. In a special way fill him not just with knowledge, but with wisdom. Help him to be always aware of the needs of the little people. Allow him to hear the voices of the poor and the needy, the young and the aged, the homeless and the jobless. Make him a good man, a man who cares about the people of New Hampshire. A man who will put the needs of people, regardless of race, color or creed, ahead of personal ambition or political gain.

Above all give him a pure and a loving heart. Help him to always rely on You the source of all authority.

Help him day by day to blend the kingdom of Caesar with the kingdom of God. Help him to bring good things to the state of New Hampshire. Very simply, God be with you, Governor John Sununu. Amen.

Rep. Rounds and Sen. Stabile moved that the Joint Convention arise.  
Adopted.

The Joint Convention adjourned.

HOUSE  
(Speaker presiding)

Rep. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption

only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourn today it be to meet at the call of the Chair.

Adopted.

#### LATE SESSION

Rep. Rounds moved that the House stand in recess for the purpose of Introduction of Bills only.

Adopted.

The House recessed at 12:47 p.m.

#### RECESS

(Speaker Pro Tem in Chair)

Rep. Head offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 31 through 59, and Concurrent Resolutions Proposing Constitutional Amendments numbered 1 and 2, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF HOUSE BILLS AND CACRs

First, second reading and referral

HB 31, establishing a penalty for a racing licensee's failure to submit certain required information on time. (Russell of Hillsborough Dist. 15; Mason of Rockingham Dist. 22; Dion of Hillsborough Dist. 36 - To Regulated Revenues)

HB 32-FN, relative to the suspension of penalty assessment payments to the police standards and training fund. (LaMott of Grafton Dist. 5 - To Judiciary)

HB 33-FN, permitting electronic gaming machines at certain approved facilities and making an appropriation therefor. (D'Amante of Sullivan Dist. 7; Lemire of Coos Dist. 8; Dion of Hillsborough Dist. 26; Hynes of Rockingham Dist. 26; Burkush of Hillsborough Dist. 35 - To Regulated Revenues)

HB 34-FN, providing for a single annual motor vehicle inspection and changing the inspection sticker fee. (Russell of Hillsborough Dist. 15 - To Transportation)

HB 35-FN, requiring notification of status to delinquent permittees. (Rounds of Grafton Dist. 10 - To Regulated Revenues)

HB 36-FN, changing the daily fee and mileage paid to court witnesses. (Boucher of Merrimack Dist. 9 - To Municipal and County Government)

HB 37-FN, limiting the area of operation for the housing finance agency. (Quimby of Rockingham Dist. 7 - To Commerce and Consumer Affairs)

HB 38, to increase the locations at which military personnel may purchase hunting and fishing licenses. (Pantelakos of Rockingham Dist. 24; Dionne of Strafford Dist. 5 - To Fish and Game)

HB 39, giving tenure to deputy sheriffs in Carroll county. (Howard of Carroll Dist. 1 - To Municipal and County Government)

HB 40, requiring candidates to disclose party affiliation in political advertising for partisan political elections. (Howard of Carroll Dist. 1 - To Statutory Revision)

HB 41, allowing absentee ballots to be processed any time after the polls open. (Zimmerman of Merrimack Dist. 11 - To Statutory Revision)

HB 42, clarifying the need to vote by ballot on certain questions. (Greene of Rockingham Dist. 18 - To Municipal and County Government)

HB 43, relative to the license to carry a weapon. (Greene of Rockingham Dist. 18 - To Public Protection and Veterans' Affairs)

HB 44, making it a violation to be a passenger in a vehicle driven by a person driving under the influence of alcohol or drugs. (Lussier of Strafford Dist. 8 - To Transportation)

HB 45, to increase the penalty for refusal to take the chemical testing to determine alcoholic content of blood. (Lussier of Strafford Dist. 8 - To Judiciary)

HB 46, relative to the sealing and sale of skins. (Chagnon of Strafford Dist. 2 - To Fish and Game)

HB 47, relative to the destruction, unlawful movement or defacement of boundary markers on real property. (Benton of Rockingham Dist. 5 - To Judiciary)

HB 48, permitting the department of fish and game to expend funds received under the Pitman-Robertson Act on endangered species. (Smith of Merrimack Dist. 16 - To Fish and Game)

HB 49, relative to certain fish and game licenses for persons 68 years of age or older and blind persons. (Smith of Merrimack Dist. 16 - To Fish and Game)

HB 50, relative to the issuance of archery license. (Smith of Merrimack Dist. 16 - To Fish and Game)

HB 51, providing a method of dividing a town into representative districts. (Flanagan of Rockingham Dist. 8; Sytek of Rockingham Dist. 20 - To Statutory Revision)

HB 52, to eliminate the designation of dangerous sexual offender. (Sytek of Rockingham Dist. 20 - To Judiciary)

HB 53-FN, establishing the department of postsecondary vocational education. (Pearson of Belknap Dist. 5; Boucher of Rockingham Dist. 23; Taffe of Grafton Dist. 6; Bolduc of Belknap Dist. 10; Scranton of Cheshire Dist. 16 - To Education)

HB 54, to prohibit the sale of counterfeit drugs. (Sytek of Rockingham Dist. 20 - To Judiciary)

HB 55, to permit hunters in certain towns and a city to shoot wild deer with a muzzle-loading rifle. (Pantelakos of Rockingham Dist. 24 - To Fish and Game)

HB 56, to legalize the 1981 and 1982 annual town meetings of the town of Pelham. (Jones of Hillsborough Dist. 20; Boutwell of Hillsborough Dist. 20; Lynde of Hillsborough Dist. 20 - To Municipal and County Government)

HB 57, relative to the authority for regulating taking, inspection and processing of marine species. (Pantelakos of Rockingham Dist. 24 - To Fish and Game)

HB 58, relative to hunting on the property of another. (Easton of Grafton Dist. 11 - To Fish and Game)

HB 59, granting the Lake Sunapee Protective Association the right to maintain a third lighthouse on Lake Sunapee. (Kidder of Merrimack Dist. 2 - To Resources, Recreation and Development)

CACR 1, relating to membership in the House of Representatives. Providing that the number of members shall not exceed 200. (Hamel of Strafford Dist. 8 - To Constitutional Revision)

CACR 2, relating to the term of the governor. Providing that the term shall be 4 years. (French of Belknap Dist. 4 - To Constitutional Revision)

#### RECESS

(Speaker Pro Tem in the Chair)

Rep. Townsend offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 60 through 70, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.  
Adopted.

#### INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 60-FN, concerning school administrative unit number 18. (Randall of Belknap Dist. 3; Bowler of Belknap Dist. 2; Lamprey of Belknap Dist. 1; Zimmerman of Merrimack Dist. 11 - To Education)

HB 61, restricting motorized dredging for heavy metals. (Rounds of Grafton Dist. 10 - To Resources, Recreation and Development)

HB 62-FN, to require the use of child passenger restraints in certain motor vehicles. (Donovan of Hillsborough Dist. 26; Robie of Hillsborough Dist. 27; Roy of Dist. 22; Chambers of Grafton Dist. 12; Poulsen of Dist. 2 - To Transportation)

HB 63-FN, relative to a transfer tax on mobile homes. (Kozacka of Rockingham Dist. 13; Pannell of Merrimack Dist. 6 - To Ways and Means)

HB 64, relative to the training and certification of police officers. (Benton of Rockingham Dist. 5 - To Public Protection and Veterans' Affairs)

HB 65, clarifying and amending the language of RSA 36:24-a. (Pannell of Merrimack Dist. 6 - To Municipal and County Government)

HB 66, relative to the ownership of land divided by a street. (Pannell of Merrimack Dist. 6 - To Municipal and County Government)

HB 67-FN, exempting real and personal property of granges from taxation. (Parr of Rockingham Dist. 17 - To Municipal and County Government)

HB 68, eliminating the protection for the common feral pigeons and increasing the protection of seals. (Heath of Carroll Dist. 4 - To Fish and Game)

HB 69, relative to the membership of the bulk power supply facility site evaluation committee. (Copenhaver of Grafton Dist. 12 - To Environment and Agriculture)

HB 70, adjusting the butterfat content of milk to conform to requirements in adjacent states. (Copenhaver of Grafton Dist. 12 - To Environment and Agriculture)

#### RECESS

(Speaker Pro Tem in the Chair)

Rep. LaMott offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 71 through 76, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.  
Adopted.

#### INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 71, relative to the treatment of horses. (Dexter of Belknap Dist. 8 - To Environment and Agriculture)

HB 72-FN, to allow counties to set up trust funds. (Nichols of Merrimack Dist. 2; White of Dist. 11 - To Municipal and County Government)

HB 73-FN, increasing the number of superior court associate justices. (Lane of Cheshire 15; Carswell of Dist. 9 - To Judiciary)

HB 74-FN, eliminating the \$50 limit on legislative mileage. (Lemire of Coos Dist. 8; Langley of Coos Dist. 3 - To Legislative Administration)

HB 75, permitting persons to execute terminal care documents. (Daniell of Merrimack Dist. 12; Sackett of Strafford Dist. 4; Zimmerman of Merrimack Dist. 11 - To Judiciary)

HB 76-FN, establishing an account for the proceeds from the sale of fish food at fish hatchery vending machines. (Dionne of Strafford Dist. 5 - To Fish and Game)

#### RECESS

(Rep. Chardon in the Chair)

Rep. Russell offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 77 through 87, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.  
Adopted.

#### INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 77, to require a hearing prior to issuance of certain orders relative to libels for divorce, annulment or a decree of nullity. (Gage of Rockingham Dist. 13; Katsakiores of Rockingham Dist. 7; Dickinson of Carroll Dist. 2 - To Judiciary)



HB 78-FN, increasing the limits on summary administration of small estates. (Sloan of Rockingham Dist. 6; Blake of Rockingham Dist. 6; Danderson of Rockingham Dist. 11 - To Judiciary)

HB 79, relative to the duties of administrators and executors. (Sloan of Rockingham Dist. 6; Blake of Rockingham Dist. 6; Danderson of Rockingham Dist. 11 - To Judiciary)

HB 80, relative to automobile warranties. (Palumbo of Rockingham Dist. 10; Miller of Cheshire Dist. 1 - To Commerce and Consumer Affairs)

HB 81-FN, requiring review of the basis for apportionment of certain costs in cooperative school districts. (Guay of Coos Dist. 7 - To Education)

HB 82, to prohibit the wearing of headphones while operating a vehicle. (Wallace of Hillsborough Dist. 25 - To Transportation)

HB 83-FN, crediting any damage monies obtained from damage to fish life, other aquatic life, wildlife or their habitat, to the fish and game fund. (Smith of Merrimack Dist. 16 - To Fish and Game)

HB 84, relative to the licensing for hunting and trapping wild birds and wild game. (Blouin of Strafford Dist. 2; Dionne of Strafford Dist. 5 - To Fish and Game)

HB 85, requiring certain hunters to wear hunter orange. (Pantelakos of Rockingham Dist. 24; Blouin of Strafford Dist. 2; Dionne of Strafford Dist. 5; Theriault of Coos Dist. 9; Riley of Merrimack Dist. 9 - To Fish and Game)

HB 86-FN, concerning taxation by the town of Derry of property within the East Derry fire precinct. (Quimby of Rockingham Dist. 7; Kelley of Rockingham Dist. 7; Bangs of Rockingham Dist. 7; Beliveau of Rockingham Dist. 7; Burdick of Rockingham Dist. 7; Katsakiores of Rockingham Dist. 7 - Municipal and County Government)

HB 87, raising the fee for fur-trapping and fur-buying. (Dionne of Strafford Dist. 5 - To Fish and Game)

#### RECESS

(Speaker Pro Tem in the Chair)

Rep. Bibbo offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 88 through 95, and Concurrent Resolution Proposing Constitutional Amendment number 3, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF HOUSE BILLS AND CACR First, second reading and referral

HB 88, relative to the inspection of amusement rides. (Murphy of Carroll Dist. 2; Ashnault of Carroll, Dist. 2; Dickinson of Carroll Dist. 2; Heath of Carroll Dist. 4; Allen of Dist. 3 - To Public Protection and Veterans' Affairs)

HB 89-FN, relative to resident taxes and the wildlife management collection program. (King of Rockingham Dist. 4 - To Fish and Game)

HB 90, relative to improvements to the central New Hampshire turnpike and making an appropriation therefor. (Watson of Hillsborough Dist. 13; LaMott of Grafton Dist. 5; Nute of Hillsborough Dist. 13; Ahrens of Hillsborough Dist. 13; Kelley of Hillsborough Dist. 13; Watson of Hillsborough Dist. 13; Robinson of Hillsborough Dist. 14; Fields of Hillsborough Dist. 13; Carswell of Dist. 9 - To Public Works)

HB 91, relative to the reconstruction of Camp Sargent road and making an appropriation therefor. (Watson of Hillsborough Dist. 13; LaMott of Grafton Dist. 5; Nute of Hillsborough Dist. 13; Ahrens of Hillsborough Dist. 13; Fields of Hillsborough Dist. 13; Kelley of Hillsborough Dist. 13; Carswell of Dist. 9 - To Public Works)

HB 92-FN, increasing the amount of annual wages paid to an individual for which contributions must be made for unemployment compensation. (Skinner of Rockingham Dist. 21 - To Labor, Human Resources and Rehabilitation)

HB 93, concerning restitution by parents or legal guardians of certain children found to have committed burglary, robbery or theft. (Sochalski of Rockingham Dist. 23; Boucher of Rockingham Dist. 23 - To Judiciary)

HB 94-FN, providing a fee for each piece of fur sealed by the department of fish and game. (Pantelakos of Rockingham Dist. 23 - To Fish and Game)

HB 95, authorizing the executive director, department of fish and game to set the seasons, bag limits, methods of taking and reporting of certain wildlife. (Heath of Carroll Dist. 4 - To Fish and Game)

CACR 3, relating to the date on which the votes for councilors are laid before the senate and house of representatives. Providing that the votes shall be laid before the senate and the house of representatives on the first Wednesday following the first Tuesday in January. (Warburton of Rockingham, Dist. 6 - To Constitutional Revision)

#### RECESS

(Speaker Pro Tem in the Chair)

Rep. Townsend offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 96 through 99, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF HOUSE BILLS First, second reading and referral

HB 96-FN, relative to special plates for former prisoners of war. (Oleson of Coos

Dist. 7; Guay of Coos Dist. 7; Levesque of Hillsborough Dist. 25 - To Transportation)

HB 97, providing for the protection of elected public official's employment. (Peters of Strafford Dist. 7 - To Labor, Human Resources and Rehabilitation)

HB 98, to provide for the referral of cases of serious bodily injury to the attorney general or county attorney. (Townsend of Sullivan Dist. 1; Katsiaficas of Hillsborough Dist. 28 - To Judiciary)

HB 99, extending immunity from liability for persons reporting incidents of adult abuse. (Townsend of Sullivan Dist. 1; Katsiaficas of Hillsborough Dist. 28 - To Judiciary)

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn.  
Adopted.

#### SEATING CHANGES

Rep. Paul Keenan from 4-69 to 3-61  
Rep. Tom Longworth from 3-61 to 4-69

# HOUSE JOURNAL 4

*Thursday, 27Jan83*

The House assembled at 1:00 p.m., and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

Dear Heavenly Father, You have given us time to listen to others speak their minds on the issues of the day. Teach us how to really listen, not only to hear what others say to us, but also to what they feel. Let us have compassion as well as understanding. Now we begin to voice and record our opinions. Please guide us that now we listen to our hearts, for we deal with people's lives; to listen to our consciences for we wish not to be self-centered; to listen to our sense of justice, for we not only wish to make laws, but also to seek pleasure in living by them. Let the work of this day fall under Your blessing. Amen.

Rep. Geraldine Watson led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Bernard, Bergeron, Buckman, LoFranco, Waldron, Bartlett, Cutting, Walter, Sallada, Nevins, Chamberlin, Meader, Robert Wheeler, Eisengrein and Susan Lawrence, the day, illness.

Reps. Irwin, John Burns, Zimmerman, William Riley, Lane, William Dion and William Sullivan, the day, important business.

Rep. John Flanders, the day, death in the family.

## INTRODUCTION OF GUESTS

Mrs. Beverly Dingle, wife of Rep. Dingle; Mrs. Leni Sitnick and Miss Stacy Meyers, guests of Rep. M. Arnold Wight; Mrs. Betty Kelley, wife of Rep. Robert Kelley; Mrs. Anna Nute, wife of Rep. Nute, Michael O'Rourke, son of Rep. O'Rourke; Barbara Tsiaris guest of Reps. Krasker and Joseph MacDonald.

Reps. Cressy and Rosencrantz offered the following:

## HOUSE RESOLUTION NO. 14

congratulating Brian K. Crosby on completing his Eagle Scout service project.

WHEREAS, Brian K. Crosby has successfully completed his Eagle Scout service project by conducting a thorough survey and numbering of all buildings in East Kingston, and

WHEREAS, the survey shall be of great value not only to present-day residents of East Kingston but also to generations to come, and

WHEREAS, in completing his service project, Brian has exhibited superior qualities of leadership and responsibility in his dealings with fellow scouts and town leaders alike, now therefore be it

RESOLVED, by the New Hampshire House of Representatives that Brian K. Crosby be recognized for his significant contribution to the East Kingston community and be commended for this outstanding achievement, and be it further

RESOLVED, that a suitable copy of this Resolution be prepared for presentation to him.

The Clerk read the resolution.  
Adopted.

## SENATE MESSAGES CONCURRENCE

HCR 2, naming the State Records Management and Archives Building the Leon W. Anderson Building.

## REQUESTS CONCURRENCE

SCR 1, memorializing Harold K. Davison.

## SUSPENSION OF RULES

Rep. Rounds moved that the Rules be so far suspended as to permit consideration at the present time of SCR 1, memorializing Harold K. Davison, without referral to committee, printing, public hearing, committee report and notice in the Calendar.  
Adopted by the necessary two-thirds.

The Clerk read the resolution  
Unanimously adopted by a rising vote of silent prayer.

Rep. Rounds moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.  
Adopted.

## COMMITTEE REPORTS (Consent Calendar)

HB 14, relative to the setting of deer season. Ought to Pass.

This extends the Fish and Game Department's authority to set deer seasons for two more years. Vote 18-0.  
Rep. John H. Stimmell for Fish and Game.

HB 55, to permit hunters in certain towns and a city to shoot wild deer with a muzzle-loading rifle. Ought to Pass.

This bill clears up the wording of the RSA in regard to muzzle-loading rifles. Vote 17-0. Rep. John H. Stimmell for Fish and Game.

HB 58, relative to hunting on the property of another. Inexpedient to Legislate.

The committee felt this was unnecessary. Vote 18-0. Rep. John H. Stimmell for Fish and Game.

HB 136-FN, relative to sunset review of the fish and game department - fish resources. Ought to Pass.

The committee was satisfied with the Sunset Review. Vote 18-0. Rep. John H. Stimmell for Fish and Game.

HB 153-FN, relative to sunset review of the racing commission - thoroughbred racing. Inexpedient to Legislate.

The racing commission - thoroughbred racing has been replaced by the New Hampshire Pari-mutuel Commission. Vote 18-0. Rep. William A. Russell for Regulated Revenues.

HB 154-FN, relative to sunset review of the racing commission - harness racing. Inexpedient to Legislate.

The racing commission - harness racing has been replaced by the New Hampshire Pari-mutuel Commission. Vote 18-0. Rep. William A. Russell for Regulated Revenues.

HB 155-FN, relative to sunset review of the racing commission - racing laboratory. Inexpedient to Legislate.

The racing commission - racing laboratory has been replaced by the New Hampshire Pari-mutuel Commission. Vote 18-0. Rep. Richard E. Galway for Regulated Revenues.

HB 18, to provide for joint tenancy with rights of survivorship in connection with mobile homes. Inexpedient to Legislate.

The committee felt that since the title holder of a mobile home may already specify joint tenancy with rights of survivorship, the bill would not be of benefit. Concern was raised over presuming in favor of the spouse at the exclusion of other heirs. Vote 15-0. Rep. Stephen Sloan for Transportation.

HB 26-FN, allowing the use of certified rather than registered mail for blood alcohol test results. Ought to Pass.

The committee felt that this bill has merit since the protection offered by Certified Mail is basically the same as that of Registered Mail. The use of Certified Mail will allow departments to save money. Vote 12-3. Vote for the Consent Calendar 15-0. Rep. K. Michael Tavitian for Transportation.

#### SUSPENSION OF RULES

Rep. Rounds and Spirou moved that the Rules be so far suspended as to permit consideration at the present time of HB 2-FN, providing benefits to the widow of a governor who dies in office, without referral to committee, public hearing, committee report and notice in the Calendar.

Adopted by the necessary two-thirds.

Reps. Rounds and Spirou moved that HB 2-FN, providing benefits to the widow of a governor who dies in office be adopted.

Ordered to third reading.

Rep. William Boucher notified the Clerk that he wished to be recorded against HB 2-FN.

#### COMMITTEE REPORTS (cont.)

HR 11, fixing January 27 as the date through which House Rules may be amended by majority vote. Rep. Rounds for Rules Committee.

#### Amendment

Amend the introductory paragraph of House Rule 32 by striking out the words "Commerce and Consumer Affairs" and inserting in place thereof the words "Commerce, Housing and Consumer Affairs."

Amend House Rule 32(a) by striking out in the second paragraph thereof, the words "May 1" and inserting in place thereof the following: "April 29."

Amend House Rule 32(b) by striking out said paragraph and inserting in place thereof the following:

(b) It shall be the duty of the Committee on Commerce, Housing and Consumer Affairs to consider all matters pertaining to commerce, banks and banking institutions, insurance companies and contracts of insurance of any character, housing, all matters relating to consumer affairs which may be referred to it, all matters relating to the economic conditions of commerce and industry as shall be referred to it, and such other matters as may be referred to it.

Amend House Rule 32(o) by striking out in line seven after "the state;" and inserting in place thereof the following:

New Hampshire Pari-Mutuel Commission (RSA 284:6-a); and such other matters as may be referred to it.

Amend House Rule 38 by striking out, in the first paragraph thereof, the words "February 26" and inserting in place thereof the following: "February 24."

Amend House Rule 46(a) by striking out said paragraph and inserting in place thereof the following:

46. (a) Drafting Deadlines. No request by a member of the House for drafting a bill or joint resolution other than the general budget or the Capital budget bill, shall be accepted by the Legislative Drafting Service for processing unless the subject matter of the legislation, with a substantial outline, has been filed with said service no later than Friday, January 28, at 5:00 p.m. In the case of all money bills or joint resolutions except the general budget or the capital budget, if the complete information

necessary for drafting such a bill or joint resolution is not submitted to the Office of Legislative Services by 5:00 p.m. on Tuesday, February 1, the bill or joint resolution will not be drafted. In the case of non-money bills, if the complete information necessary for drafting such a bill is not submitted by the Office of Legislative Services by 5:00 p.m. on Tuesday, March 1, the bill will not be drafted. For the purposes of these rules, "money bills" are those that either appropriate money or raise state revenues whether new or existing.

Amend House Rule 46(b)(1) and (2) by striking out said subparagraphs and inserting in place thereof the following:

(b) Introduction Deadlines

(1) Any money bill or joint resolution, other than the general budget or capital budget bill may not be introduced into the House later than March first and must be signed off in Legislative Services by Thursday, February 24.

(2) All other bills may not be introduced into the House later than Tuesday, April 5, and must be signed off in Legislative Services by Thursday, March 31.

Amend House Rule 46 by inserting the following new subparagraphs:

46(d) Operating Budget Briefings

(1) There shall be a detailed briefing on the general budget bill presented to the House membership at least two days before final action is taken in the House on such a bill and, in any event, not later than Tuesday, May third.

(2) There shall be a detailed briefing on the Senate changes to the House version of the general budget bill presented to the House membership at least three days before the filing of a Conference Committee report on said bill and, in any event, not later than Wednesday, June 8. The purpose of such a briefing will be to inform the House membership of the Senate position on the bill and to provide a sense of the House on that position as advisory guidance to the House Conferees.

Amend House Rule 58 by striking out the date "March 26" and inserting in place thereof the following: "March 24"

Amend House Rule 59 by striking out the date "April 28" and inserting in place thereof the following: "April 26"

Amend House Rule 60 by striking out said rule and inserting in place thereof the following:

60. The Speaker may designate any legislative day as a consent calendar day by giving two days printed notice in the House Record. No bill shall be on a consent calendar unless the committee to which the bill was referred approves such action by a majority vote in executive session. Any member may request, on a consent calendar

day, that any bill listed on consent calendar be removed from the consent calendar. Any bill removed from the consent calendar shall be taken up at the conclusion of the regular calendar. All matters remaining on the consent calendar shall be acted upon without debate.

Rep. Rounds explained the committee amendment.

Rep. Spirou spoke in favor of the committee amendment.

Amendment adopted.

Rep. Warburton offered an amendment.

Amendment

Amend House Rule 1 by striking out said rule and inserting in place thereof the following:

1. The Speaker shall take the chair at precisely the hour to which the House shall have adjourned, and shall immediately call the members to order and the members shall take their seats. They shall activate their voting station as soon as they take their seats; when they leave their seats for any reason they shall deactivate their station. If neither the Speaker nor the Speaker Pro Tem is present at the appointed hour, the Clerk shall call the House to order, and the members shall choose a member to preside until such time as the Speaker or the Speaker Pro Tem shall appear. When the House is in Session at the noon hour, a recess of 1 1/2 hours shall be announced following the meridian and before the 1 p.m. hour.

Rep. Warburton explained his amendment.

Reps. Spirou and Rounds spoke against the amendment.

Rep. Blake spoke in favor of the amendment.

Rep. Ingram spoke to the amendment.

Amendment lost.

Rep. Warburton offered a further amendment.

Amendment

Amend House Rule 4 by striking out said rule and inserting in place thereof the following:

4. All committees shall be appointed by the Speaker unless otherwise directed by the House, provided the membership on all standing committees of the House shall be divided between the two major political parties in the same proportion that the membership of the House belonging to the majority party bears to the House membership of the minority party. No member shall serve on more than one standing committee listed in Group A. There shall be no such limit for standing committees listed in Group B. The appointments to committees for the majority party shall be made by the Speaker and appointments to committees for the minority party shall be made by the Speaker with the advice of the duly appointed minority party floor leader.



Amend the introductory paragraph of House Rule 32 by striking out said paragraph and inserting in place thereof the following:

The Standing Committees shall be divided into 2 Groups. Group A shall consist of Committees on Appropriations; Commerce, Housing and Consumer Affairs; Constitutional Revision; Education; Environment and Agriculture; Executive Departments and Administration; Fish and Game; Health and Welfare; Judiciary; Labor, Human Resources and Rehabilitation; Municipal and County Government; Public Protection and Veterans Affairs; Public Works; Regulated Revenues; Resources, Recreation and Development; Science and Technology; State Institutions; Statutory Revision; Transportation; and Ways and Means. Group B shall consist of the Committees on Legislative Administration; Rules; and State-Federal Relations. Notwithstanding the provisions of Rule 4, if the Speaker so desires, he may compose the Standing Committees on Constitutional Revision and Statutory Revision of the same members even though separately organized. No committee shall have more than 23 members. The average membership for Group A Committees shall not be more than 20 members.

Rep. Warburton explained his amendment.  
Rep. Spirou spoke against the amendment and yielded to questions.  
Amendment lost.

Rep. Warburton offered a further amendment.

#### Amendment

Amend House Rule 32(a) by striking out said paragraph and inserting in place thereof the following:

(a) It shall be the duty of the Committee on Appropriations to examine and take into consideration the state of the treasury; to consider the budget, subjects concerning the financial interests of the state, all measures carrying appropriations of state money (except claims against the state), and such other matters as may be referred to it. Prior to its report to the House, the Committee on Appropriations may refer the budget of certain self-sustaining state agencies to appropriate committees for study and recommendation.

The operating budget bill, also known as the general appropriation bill, shall be in the hands of the members of the House 7 calendar days before second reading voting.

The Committee shall submit to the House on or before May 1 a budget bill for the biennium which submits a balanced budget. The Committee shall work in close cooperation with Ways and Means in determining the state income available for budget purposes at mutually agreed periodic times. In addition, the Committee shall report to the House all other bills by the date established therefore by the Joint Rules. All bills in the possession of the Committee shall be reported out with one of the following recommendations: "ought to pass," "recommended but laid on the table because not funded," "recommended but

recommitted to standing committee for amendment," or "inexpedient to legislate." Further provided that the Committee may submit to the House a supplemental budget bill which it believes to be in the best interest of the state.

Rep. Warburton explained his amendment.  
Rep. Rounds spoke against the amendment.  
Amendment lost.

Rep. Daniell offered an amendment.

#### Amendment

Amend House Rule 45 by striking out said rule and inserting in place thereof the following:

45. All bills and joint resolutions appropriating state money which have been favorably reported from any committee shall be referred to the Committee on Appropriations. If any such bills or resolutions have been referred jointly to the Committee on Appropriations and another standing committee, the Committee on Appropriations may report separately and no further hearing shall be required by the Committee on Appropriations. All appropriations based upon the budget to be paid from taxes or revenues shall be incorporated in a single bill which shall be called the general appropriation bill and which shall contain only items of appropriation. The House may increase, decrease, add or omit items of appropriation in the general appropriation bill or any supplementary budget but may not in the exercise of this power insert, repeal or amend laws of general applicability. Non-germane amendments, sections and footnotes (except footnotes in explanation of the principle text or designating the use or restriction of any funds or portions thereof) are prohibited and shall not be allowed under any circumstances.

Rep. Daniell explained his amendment and yielded to questions.

Reps. Warburton and Sackett spoke in favor of the amendment.

Rep. Spirou spoke to the amendment.

Rep. Ellyson spoke in favor of the amendment and yielded to questions.

Rep. Townsend spoke against the amendment, yielded to questions and yielded to Rep. Spirou who yielded to questions.

Rep. Russell moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 116 NAYS 243

YEAS 116

BELKNAP: Gary Dionne, Golden, Robert Hawkins, Holbrook, Matthew Locke and Nighswander.

CARROLL: Dickinson, Heath, Robert Holmes and McIntire.

CHESHIRE: Barber, Boulter, Elmer Johnson, Kennedy, Morse, Parker and Perry.

COOS: Chappell and Theriault.

GRAFTON: Christy, Harnish, Stewart and Weymouth.

HILLSBOROUGH: Boutwell, Brack, Burkush, Leslie Burns, Cote, Durant, Gagnon, Galway, Grasso, Harrington, George Hawkins, Hendrick, Kaklamanos, Labombarde, Leclerc, David Lemire, Roland Lemire, Levesque, Lynde, McGlynn, Nelson, Reidy, B. P. Smith, Mary Sullivan, Vachon, Ware, Emma Wheeler, Kenneth Wheeler and White.

MERRIMACK: Anderson, Bowes, Chynoweth, Samuel Clark, Daniell, Dean, LaBranche, Lewis, Maltais, McDonnell, Pannell, Louise Roberts, Walter Robinson, Savaria, Stark, Lawrence Sullivan and Trombly.

ROCKINGHAM: Ames, Bangs, Beliveau, Blake, Butler, Cressy, Ellyson, Harry Flanders, Keenan, Glenden Kelley, Kozacka, Mace, McLane, William Moore, Nagel, Newell, Newman, Palumbo, Pantelakos, Pevear, Rosencrantz, Sherburne, Sloan, Splaine, Stork, Warburton and Woodward.

STRAFFORD: Appleby, Chagnon, Creteau, Dingle, Albert Dionne, Donnelly, Fielding, Grassie, Hussey, Kincaid, Musler, Pelley, Francis Robinson, Sackett, Schreiber, Gerald L. Smith and Timm.

SULLIVAN: Brodeur, D'Amante and Flint.

#### NAYS 243

BELKNAP: Bastraw, Birch, Bolduc, Bowler, Dexter, French, Hardy, Lamprey, Pearson, Randall, Sanders, David Whittemore and Zeckhausen.

CARROLL: Ashnault, Chase, Hraha, Kenneth MacDonald, Murphy, Powers and Saunders.

CHESHIRE: Eugene Clark, Crane, Davis, Daniel Eaton, Galloway, Gordon, Grodin, Hickey, Matson, David Meader, Michaelides, Miller, Perkins, Margaret Ramsey and Scranton.

COOS: Brideau, Harold Burns, Chardon, Coulombe, Guay, Horton, David King, Langley, George Lemire, Pelletier, Valliere and York.

GRAFTON: Blair, Chambers, Crory, Densmore, Downing, Driscoll, Duggan, Easton, Girouard, Hutchings, Wayne King, LaMott, Logan, Mann, McAvoy, Rounds, Stevens, Taffe, Ward and Whitcomb.

HILLSBOROUGH: Debora Ahern, Richard Ahern, Arnold, Arris, Baker, Bass, Bolan, Carragher, Charbonneau, Craig, Cronin, Crotty, Donovan, Drewniak, Duffett, Dupont, Duprey, Clyde Eaton, Joseph Eaton, Fields, Ford, Gelinas, Grip, Head, Daniel Healy, Walter Healy, Humphrey, Thomas Hynes, Jean, Kashulines, Katsiaficas, Keefe, Robert Kelley, Evelyn King, Knight, Lamy, John Lawrence, Lefebvre, Lyons, Martineau, Howard Mason, Migneault, Morrisette, Nickerson, Nute, O'Rourke, Paradis, Parmenter, Marjorie Peters, Pressly, Quinn, Raiche, Peter Ramsey, Resch, Robie, Ellen-Ann Robinson,

Roy, Russell, Silva, Leonard Smith, Soucy, Spirou, Steiner, Stylianos, James Sullivan, Sylvia, Talbot, Turgeon, Van Loan, Wagner, John Wallace, Roger Wallace, Geraldine Watson, Harold Watson, Wells, Eleanor Whittemore, Wight, Winn, Lucille Wood and Zajdel.

MERRIMACK: Bardsley, Bibbo, Laurent Boucher, Gross, Mary Holmes, Kidder, Kinhan, Arthur Locke, Mercier, Nichols, Parrish, Phelps, Doris Riley, William Roberts, Rogers, Shephard, Gerald R. Smith, Stio, Wallner and James Whittemore.

ROCKINGHAM: Belanger, Benton, Blaisdell, Blanchard, Blanchette, William Boucher, Burdick, Campbell, Carpenito, Case, Connors, Cotton, Danderson, Day, Drake, Flanagan, Beverly Cage, Thomas Gage, Greene, Gregorio, Hollingworth, John Hynes, Joslyn, Kane, Katsakiores, Roger King, Krasker, Leslie, Longworth, Lovejoy, Joseph MacDonald, Malcolm, Robert Mason, Parr, Popov, Quimby, Romoli, Scamman, Schmidtchen, Schwaner, Simon, Skinner, Sochalski, Stimmell, Sytek, Tavitian, Tufts, Vartanian, Vecchione, Walker and Webster.

STRAFFORD: Banks, Belhumeur, Blouin, Bouchard, Chisholm, Couture, Demers, Flynn, Hennessey, Robert Jones, Joos, Lussier, Arnold Peters, Franklin Torr, Ralph Torr and Whiting.

SULLIVAN: Carlson, Converse, Gray, Ingram, Paul Johnson, Palmer, Quinlan, Reney and Townsend, and the amendment lost.

Rep. Quinlan notified the Clerk that he inadvertently voted nay and meant to vote yea.

Question being on the House Rules as amended.

Adopted.

Rep. Spirou offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Joint Resolution number 1 and House Resolution number 15, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HJR and HR  
First, second reading and referral

HJR 1, requiring the advisory budget control committee to exempt funds for cities and towns from the 4 percent budget cut. (Spirou of Hillsborough Dist. 31; Chambers of Grafton Dist. 12; Krasker of Rockingham Dist. 25; Demers of Strafford Dist. 9; Leslie of Rockingham Dist. 20 - To Appropriations)

HR 15, requesting an opinion of the justices on the question of action by the advisory budget control committee regarding the reduction of funds due cities and towns. (Spirou of Hillsborough 31; Chambers of Grafton 12; Krasker of Rockingham 25; Demers of Strafford 9; Leslie of Rockingham 20 - To Appropriations.)

Reps. Rounds and Spirou moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourn today it be to meet Thursday, February 3 at 1:00 p.m.

Adopted.

#### LATE SESSION

##### Third reading and final passage

HB 14, relative to the setting of deer season.

HB 55, to permit hunters in certain towns and a city to shoot wild deer with a muzzle-loading rifle.

HB 136-FN, relative to sunset review of the fish and game department - fish resources.

HB 26-FN, allowing the use of certified rather than registered mail for blood alcohol test results.

HB 2-FN, providing benefits to the widow of a governor who dies in office.

#### UNANIMOUS CONSENT

Rep Benton addressed the House by Unanimous Consent.

Thank you Mr. Speaker, and thank you my peers for permitting me to appear before you at this late hour by unanimous consent.

Somewhere over the past years I took upon myself the title of spokesman or mouthpiece for these great men here up on the wall. And somewhere in the past years I wrote a few lines about them.

In every session someone comes to me and says would you share these lines again so that the new members can know a little bit about the great men on the wall.

There is one phrase in here that I should explain. You would know the phrase if you were here before 1975, and that phrase is signing the boards.

You see, before 1975, we didn't have a convenient little green button to press to indicate our attendance. We signed the boards. Near the end of the daily session the Speaker would say, board monitors may now secure the boards. And at this signal, 20 of the most senior men would sprint to the rear of the hall where the Sergeant-at-Arms had a table. And on that table were 20 masonite boards about 12 by 18 inches, and each one had a paper posted thereon with 20 names and 20 seat numbers. The board monitors would secure the board for their particular section, and on the way back to his seat he would sign it to be sure that he was here for that day.

When the gavel went down for adjournment, that's when the pier six brawl began. Who would sign the board first. It was supposed to go from one end of the row to another, but it never did. People reached over other people's shoulders, women and children were trampled in the rush in the wonderful old quaint custom of signing the boards.

And now, "The Great Men on the Wall."

#### The Great Men on the Wall

From high on the wall they look down on the House  
With eyes both stern and calm  
Their lot is to see and ponder and judge  
The merits of we who carry on.

They do not vote or sign the board  
Nor inquire of the Chair  
In silence they watch and listen to all  
And they rate us good, poor or fair.

When we've departed the House and the hall is still  
They relax and they chat till the dawn  
Nor of the nurses and farmers, of bankers and lawyers  
And teachers and veterans who talked at the mike, on and on.

Maybe they talk of Watergate, Pentagon papers, Wounded Knee and other stories galore  
And maybe George speaks to Honest Abe,  
"more truth is needed in the high places,  
They don't make them like us any more."  
And hopefully, as Daniel and Franklin reflect  
On the old timers, the freshmen and the Reps and Dems who daily fill the hall  
They'll judge us fairly on our deeds and say

"Live free or die is still with us  
And the Granite State stands tall."

Spoke up John Hale  
Senator from the days of yore  
They've changed so much in manner, speech and dress  
They question, they bicker, they argue up a storm  
I admire them all, especially the lovely lady legislators  
In their mini skirts and slacks, what forms!

While waiting to sign the board each day  
I look up at them and feel so humble and small

I ask the good Lord for lots more wisdom, common sense and courage  
So that tomorrow I can be just a little more  
Like the great men on the wall.

Rep. Chase moved that Rep. Benton's remarks be printed in the Journal.  
Adopted.

Rep. Rounds moved that the House stand in recess for the purpose of Introduction of Bills only.  
Adopted.

The House recessed at 3:10 p.m.

#### RECESS

(Speaker Pro Tem in the Chair)

Rep. Hardy offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House



Bill number 1 shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee. Adopted.

INTRODUCTION OF HOUSE BILL  
First, second reading and referral

HB 1, relative to executive branch reorganization. (Rounds of Grafton Dist. 10; Spiro of Hillsborough Dist. 31; Ward of Grafton Dist. 1; Harold Watson of Hillsborough Dist. 13; Barber of Cheshire Dist. 17; Allen of Dist. 3; Carswell of Dist. 9; Stephen of Dist. 18 - To Executive Departments and Administration)

RECESS

(Speaker Pro Tem in the Chair)

Rep. Townsend offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 164 through 179, and Concurrent Resolution Proposing Constitutional Amendment number 4, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees. Adopted.

INTRODUCTION OF HOUSE BILLS AND CACR  
First, second reading and referral

HB 164-FN, allocating the property taxes paid by small scale power facilities. (Cate of Merrimack Dist. 13; Holmes of Merrimack Dist. 13; Bibbo of Merrimack Dist. 3 - To Municipal and County Government)

HB 165-FN, extending workmen's compensation coverage to certain household employees. (Nichols of Merrimack Dist. 2; Freese of Dist. 4 - To Labor, Human Resources and Rehabilitation)

HB 166-FN, relative to taking wild black bear. (Therault of Coos Dist. 9; Dionne of Strafford Dist. 5; Heath of Carroll Dist. 4 - To Fish and Game)

HB 167, relative to vacancies in the offices of town clerk-tax collector and tax collector. (King of Rockingham Dist. 4 - To Municipal and County Government)

HB 168-FN, relative to wild turkey permit revenues. (Dionne of Strafford Dist. 5 - To Fish and Game)

HB 169, relative to emergency vehicles. (Dickinson of Carroll Dist. 2 - To Transportation)

HB 170, relative to the use of certain type motorboats by disabled persons on restricted bodies of water in state. (Powers of Carroll Dist. 5; Dionne of Strafford Dist. 5 - To Resources, Recreation and Development)

HB 171-FN, relative to current use assessment. (Christy of Grafton Dist. 11 - To Environment and Agriculture)

HB 172, to legalize the 1982 annual town meeting of the town of New Durham. (Joos of Strafford Dist. 1; Banks of Strafford Dist. 1 - To Municipal and County Government)

HB 173, providing for a mandatory winter stay of dispossession for certain tenants who have defaulted on their rent. (Quimby of Rockingham Dist. 7 - To Commerce, Housing and Consumer Affairs)

HB 174, permitting the use of live bait when ice fishing on Lake Sunapee. (D'Amante of Sullivan Dist. 7; Brodeur of Sullivan Dist. 7 - To Fish and Game)

HB 175, legalizing the town meeting of the town of Amherst held on January 5, 1983. (Wight of Hillsborough Dist. 9 - To Municipal and County Government)

HB 176, to allow bowling centers to serve liquor and beverages to persons in certain spectator areas. (Blaisdell of Rockingham Dist. 13 - To Regulated Revenues)

HB 177, to amend the charter of St. Paul's School. (Stark of Merrimack Dist. 14 - To Statutory Revision)

HB 178-FN, relative to utilities' eminent domain procedures. (Burns of Coos Dist. 5; Chardon of Coos Dist. 6; Horton of Coos Dist. 4; Langley of Coos Dist. 3; Poulsen of Dist. 2 - To Commerce, Housing and Consumer Affairs)

HB 179, authorizing counties to establish county personnel commissions. (MacDonald of Carroll Dist. 6; Craig of Hillsborough Dist. 3; White of Hillsborough Dist. 31 - To Municipal and County Government)

CACR 4, relating to size of the senate and term of office of senators. Providing that the senate shall consist of 48 members who shall hold office for 4 years. (Robinson of Strafford Dist. 4 - To Constitutional Revision)

RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn. Adopted.

COMMITTEE CHANGES

Rep. Joseph Duggan off Environment and Agriculture, on Statutory Revision and Constitutional Revision.

Rep. John Sherburne off Statutory Revision and Constitutional Revision, on Environment and Agriculture.

Rep. Henry Roy off Science and Technology, on Transportation.

Rep. David Lemire off Public Works, on Science and Technology.

Rep. Doris Riley on Fish and Game.

Rep. Maurice Levesque on Public Works.

Rep. Rick Trombly off Executive Departments and Administration.

Rep. Graham Chynoweth off Environment and Agriculture, on Executive Departments and Administration.

APPOINTMENTS BY SPEAKER  
STATUTORY COMMITTEES

CURRENT USE ADVISORY BOARD (RSA 79-A:3)  
Rep. Elmer Johnson

NATIONAL GUARD SCHOLARSHIP FUND (Chapter 67, Laws of 1979) Rep. Arthur Locke

# HOUSE JOURNAL 5

*Thursday, 3Feb83*

The House assembled at 1:00 p.m., and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

Today, dear Heavenly Father, we lift before You the officers of this House. Guide our Speaker in the use of the authority of his office. May Majority and Minority leaders bring about a positive tension under which our work can proceed. Give our Clerk an exactness of his recording. May the Sergeant-at-Arms bring order and respect in this place; may the Chaplain brighten the spark of religion in each of us. We note with thanks the importance of all who stand ready to assist these our officers. As each part of this body does their work grant the ability to knit together these efforts into positive leadership for our State. Amen.

Rep. John Flanders led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Zimmerman, LoFranco, Bartlett, Bergeron, Cutting, Bernard, Sallada, Waldron, McGlynn, Lucille Wood, Blaisdell, Nighswander, Hendrick, Chagnon, Pevear, Gate, Barber and Romoli, the day, illness.

Reps. Mann, Stylianos, Palmer, Lynde, Phelps, Irwin, William Dion, Flynn, Kennedy, Drewniak and Gelinas, the day, important business.

## INTRODUCTION OF GUESTS

Joel Gordon, guest of Rep. Simon; former Representative Charles Robert, guest of the House.

## COMMUNICATION

Carl A. Peterson  
House Clerk

Please be advised that the following representative-elect was sworn into office by the Governor and Council at their meeting on February 2, 1983.

Merrimack County District No. 16 (Concord Wards 4 and 8)

Kathleen A. Degnan, d, Concord (20 Bradley Street) 03301

Sincerely,  
Robert P. Ambrose  
Deputy Secretary of State

Rep. Russell offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 180 through 186, and House Concurrent Resolution number 3, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS and HCR First, second reading and referral

HB 180-FN, reinstating the 9 percent pay raise for state employees for the second year of the biennium and making an appropriation therefor. (Spirou of Hillsborough Dist. 31; Maltais of Merrimack Dist. 8; Krasker of Rockingham Dist. 25; Chambers of Grafton Dist. 12; Demers of Strafford Dist. 9; McLane of Dist. 15 - To Appropriations)

HB 181, to require a 2/3 vote in order to change a municipality's form of government. (Katsakiores of Rockingham Dist. 7 - To Municipal and County Government)

HB 182, designating certain members of a municipal budget committee as nonvoting members. (Katsakiores of Rockingham Dist. 7 - To Municipal and County Government)

HB 183, providing for mandatory removal from office for violation of the provisions of RSA 32:10. (Katsakiores of Rockingham Dist. 7 - To Municipal and County Government)

HB 184, legalizing the 1982 annual town meeting of the town of Alton. (Sanders of Belknap Dist. 6; Locke of Belknap Dist. 6 - To Municipal and County Government)

HB 185, changing references in the law relating to solid waste and hazardous waste from the bureau of solid waste management to the division of public health services. (Copenhaver of Grafton Dist. 12; Wight of Hillsborough Dist. 9 - To Executive Departments and Administration)

HB 186, to limit the categories of persons on whose behalf the division of welfare may seek appointment of guardian or conservator. (Townsend of Sullivan Dist. 1; Katsiakias of Hillsborough Dist. 28 - To Judiciary)

HCR 3, expressing the sense of the general court that the President should propose that the United States and the Soviet Union adopt a mutual, verifiable nuclear weapons freeze. (Katsiakias of Hillsborough Dist. 28; Copenhaver of Grafton Dist. 12; Leslie of Rockingham Dist. 20; Smith of Hillsborough Dist. 19; Zeckhausen of Belknap Dist. 11; Boyer of Dist. 13; Lessard of Dist. 21; Splaine of Dist. 24; McLane of Dist. 15; Hough of Dist. 5 - To State - Federal Relations)

## COMMITTEE REPORTS (Consent Calendar)

Rep. Rounds moved that the Consent Calendar with the relevant committee amendments as printed in the day's House Record be adopted.

HB 29, to permit tenants in publicly owned or operated housing projects to keep companion pets, was removed at the request of Rep. James J. White.

HB 17, creating new voting districts in Epping and Raymond, was removed at the request of Rep. Blake.

Adopted.

HB 23, requiring non-smoking sections in restaurants. Inexpedient to Legislate. This bill was discussed by all persons and the unanimous opinion was that it was unreasonable, unenforceable and unnecessary. The restaurants have agreed to do all in their power to voluntarily separate smokers and non-smokers. Vote was unanimous. Rep. Emma B. Wheeler for Health and Welfare.

HB 20, prohibiting the destruction or altering of common boundary walls and fences. Inexpedient to Legislate. The Committee is studying this issue and the subject matter will be addressed in a future bill. Vote 20-0. Rep. Beverly Hollingworth for Judiciary.

HB 27, to expand the definition of disorderly conduct to include the conduct of persons who make noise in a private place which disturbs others in a private place. Inexpedient to Legislate.

The subject matter of this bill will be addressed in future legislation. Vote 20-0. Rep. Thomas U. Gage for Judiciary.

HB 54, to prohibit the sale of counterfeit drugs. Ought to Pass with Amendment.

This bill is intended to address the growing problem of look-alike drugs in New Hampshire. The state of New Hampshire has an interest in presenting the sale of these drugs because they contribute to the illegal drug culture. In addition, several deaths have occurred as a result of abuse of these drugs. Vote 20-1. Rep. Kendall W. Lane for Judiciary.

#### Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Affirmative Defense. Amend RSA 318-B by inserting after section 2-a the following new section:

318-B:2-b Counterfeit Drugs; Affirmative Defense. It is an affirmative defense to prosecution under RSA 318-B:2, I-a that the actor is:

I. A physician who sells, dispenses, or prescribes a substance which he represents to be or contain a controlled drug, but which in fact neither is nor contains a controlled drug to a patient under his care for a bona fide therapeutic purpose; or

II. A pharmacist who sells or dispenses a substance which he represents to be or contain a controlled drug, but which in fact neither is nor contains a controlled drug to a person at the direction of and upon the written prescription of an attending physician, provided any written prescription is properly executed, dated, and signed by the person prescribing on the day when issued and bears the full name and

address of the patient for whom the drug is dispensed; or

III. A nurse or intern who, at the explicit direction of and under the supervision of an attending physician, administers a substance which he represents to be or contain a controlled drug, but which in fact neither is nor contains a controlled drug to a patient for a bona fide therapeutic purpose; or

IV. An emergency medical technician - paramedic who, upon receipt directly or by phone or by radio or by other communication medium of directions to do so from the supervising physician, administers a substance which he represents to be or to contain a controlled drug, but which in fact neither is nor contains a controlled drug to a patient for a bona fide therapeutic purpose.

HB 146-FN, relative to sunset review of the labor department - labor statistics. Inexpedient to Legislate.

The Committee accepts the Sunset Review of the Labor Statistics Unit in the Department of Labor, that the unit be terminated. It has not functioned for several years as federal funds established and funded the program and was discontinued on the federal level and no state need prevailed for state funds to be applied for such statistics. The Department of Employment Security does compile labor statistics. Vote 21-0. Rep. Patricia M. Skinner for Labor, Human Resources and Rehabilitation.

HB 12, relative to the submission to the voters of a question relating to a charter revision, adoption or amendment. Ought to Pass.

This bill eliminates the requirement that at least 30% of voters in preceding gubernatorial election vote on the question. This is unrealistic in a town election. Rep. John P. Lawrence for Municipal and County Government.

HB 13, relative to requesting a secret ballot at any town meeting. Inexpedient to Legislate.

This bill provides that a majority of those persons attending a town meeting shall concur with any written request by either 5 or 3 voters, requesting that a vote be taken by a secret "yes-no" ballot. Rep. Alf E. Jacobson for Municipal and County Government.

HB 21, authorizing the establishment of the Electric Light Department Trust in New Ipswich. Ought to Pass with Amendment. The voters of New Ipswich have twice voted to retain the proceeds from the sale of the electric light company for future use. This bill legalizes this action. Rep. John P. Lawrence for Municipal and County Government.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Trust Authorized. Notwithstanding RSA 31:19 or any other provision of law to the contrary, the town of New Ipswich is hereby granted the authority to hold in trust the money obtained from the sale of the Electric Light Department as authorized by the town meeting of March 7, 1971, and any interest obtained from investing such money. The town shall use the money contained in such trust and interest obtained from the investment of such money only for the purposes specified in Article 9 of the warrant of the town meeting of March 9, 1981, for the reduction of local taxes, or in any other article passed in a subsequent annual or special town meeting. The trust shall be administered in the manner provided under RSA 31 for the administration of town trusts.

HB 65, clarifying and amending the language of RSA 36:24-a. Ought to Pass with Amendment.

This bill acts to preclude the four-year exemption from interfering with growth management controls which may be instituted by a municipality. Vote 16-0. Rep. Richard A. Grodin for Municipal and County Government.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Applying Growth Management Ordinance to Approved Plat. Amend RSA 36:24-a (supp) as inserted by 1975, 142:1 as amended by striking out said section and inserting in place thereof the following:

36:24-a Four-year Exemption.

I. Every plat approved by the planning board and properly recorded in the registry of deeds shall be exempt from all subsequent changes in subdivision regulations and zoning ordinances relating to permissible use and lot size adopted by any city or town for a period of 4 years after the date of recording. This 4 year exemption shall not apply to subdivision regulations and zoning ordinances adopted pursuant to RSA 31:62-a and 31:62-b relating to growth management and to those regulations and ordinances which expressly protect public health standards such as water quality and sewage treatment requirements.

II. Once, however, substantial completion of the improvements as shown on the plat have occurred in compliance with the approved plat or with the terms of the planning board's approval, the rights of the owner or his successor in interest shall vest, the limitations of the 4 year exemption period in paragraph I shall not apply, and no subsequent changes in subdivision regulations or zoning ordinances relating to permissible use and lot size shall operate to affect such improvements, provided that:

(a) Active and substantial development or building shall have commenced on the site of the approved plat by the owner or his successor in interest in accordance with the approved plat within 12 months after the date of approval, or in

accordance with the terms of said approval, and where a bond to cover the costs of roads, drains or sewers is required in connection with such approval, such bond is posted with the city or town at the time of commencement of such development;

(b) Development remains in full compliance with the public health regulations and ordinances specified in this section; and

(c) At the time of approval and recording, the plat conforms to the subdivision regulations and zoning ordinances relating to permissible use and lot size then in effect at the site of the approved plat.

HB 66, relative to the ownership of land divided by a street. Inexpedient to Legislate.

The Committee feels that while there are problems in this area, this bill is not adequate. The upcoming recodification will undoubtedly address this problem. Vote 18-0. Rep. Eugene W. Clark for Municipal and County Government.

HB 64, relative to the training and certification of police officers. Ought to Pass.

Enactment of this bill will be a giant step in the Legislature's efforts to provide maximum security and protection to New Hampshire residents, and to the thousands of visitors to New Hampshire, and it will help to preclude the possibility of New Hampshire municipalities becoming defendants in high dollar lawsuits, which could be caused by the actions of inadequately trained police officers. Vote 13-0. Rep. Warren F. Ames for Public Protection and Veterans' Affairs.

HB 24, relative to the term "reconstruction" as used in maintenance of highways. Inexpedient to Legislate.

The Committee felt this bill was unnecessary at this time. Vote 18-0. Rep. Ralph L. Blake for Public Works.

HB 150-FN, relative to sunset review of the department of public works and highways - construction and reconstruction. Ought to Pass.

This phase of Public Works and Highways needs no modification. Vote 18-0. Rep. David T. Whittemore for Public Works.

HB 151-FN, relative to sunset review of the department of public works and highways - maintenance. Ought to Pass.

This phase of Public Works and Highways needs no modification. Vote 19-0. Rep. William J. Driscoll for Public Works.

HB 152-FN, relative to sunset review of the department of public works and highways - community assistance state funds. Ought to Pass.

The Committee feels that this phase of Public Works and Highways is functioning as intended and requires no change at this time. Vote 19-0. Rep. Francis X. Donovan for Public Works.



HB 19, allowing publications required to be deposited with the state library to be deposited at no cost to the state library. Ought to Pass.

If this bill is not passed the cost to the State Library could be \$75,000 per year. The Committee was unanimously in support of this bill. Vote 12-0. Rep. Mary E. Cotton for State Institutions.

HB 28, relative to distributing political campaign literature at polling places on election day. Inexpedient to Legislate.

This bill or one similar has been present at the last two sessions. The Committee feels it is up to the moderator to set rules regarding the safety of voters - RSA 31. Vote 7-0. Rep. Natalie S. Flanagan for Statutory Revision.

HB 40, requiring candidates to disclose party affiliation in political advertising for partisan political elections. Inexpedient to Legislate.

Bill could not be enforced and the Federal Elections Commission states that the states cannot require the placing of a party designation on political advertising for election for a federal office. This would cause a conflict. Vote 9-0. Rep. Natalie S. Flanagan for Statutory Revision.

HB 41, allowing absentee ballots to be processed any time after the polls open. Inexpedient to Legislate.

Committee feels 3:00 p.m. suits the majority of cities and towns so there is no need to change. Vote 8-0. Rep. Natalie S. Flanagan for Statutory Revision.

HB 44, making it a violation to be a passenger in a vehicle driven by a person driving under the influence of alcohol or drugs. Inexpedient to Legislate.

The Committee is very much in sympathy with the intent of the sponsors to curb drunken driving. It feels that the introduction of the bill has helped to increase awareness among many citizens of the drunken driving problem. There are, however, several aspects of the bill including possible infringement of individual rights that causes the Committee not to recommend passage. Vote 16-0. Rep. K. Michael Tavitian for Transportation.

#### I. Administration and Control

##### A. State office building

(1) Building and site work	\$ 10,577,625
(2) Architectural and engineering fees	125,000
(3) Engineering and contingency	<u>450,000</u>

Total paragraph I \$11,152,625

##### II. University of New Hampshire

A. Energy conservation - Phase III \$ 5,250,000

Total paragraph II \$ 5,250,000

##### III. Liquor Commission

A. Purchase and installation of a Sperry Univac 1100 computer \$ 1,100,000\*

Total Paragraph III \$ 1,100,000

\* To be 5 year Bonds

Total state appropriation section one \$17,502,625

HB 141-FN, relative to sunset review of the safety department - division of state police. Ought to Pass.

The Committee agreed with the primary conclusion of the Sunset Committee's report that "the Division is well managed and effective in providing police services." The Committee felt that most of the proposed changes could be achieved administratively. Vote 16-0. Rep. K. Michael Tavitian for Transportation.

#### COMMITTEE REPORTS (Regular Calendar)

HB 43, relative to the license to carry a weapon. Inexpedient to Legislate.

Police chiefs and officers, representatives of municipal government, Fish and Game Commission, Rod and Gun Clubs, instructors in Hunter Safety classes, trappers, marksmen and hunters testified in strong opposition to the bill. These persons were unanimous and outspoken in their belief that the existing statute, enacted in 1979, provided adequate guidelines and safeguards as to "who shall be licensed to carry concealed weapons." The proposed legislation, and the proposed amendment, is directed against those persons who are the best qualified to own, carry and use handguns. Vote 13-0. Rep. George T. Musler for Public Protection and Veterans' Affairs.

Resolution adopted.

HB 11, making an appropriation for capital improvements. Ought to Pass with Amendment.

The committee recommends passage of this bill as amended because of the importance of the projects concerned and the possibility of saving construction costs by early passage. Elimination of two sections from the original bill was very controversial. Vote 18-1. Rep. Lorine M. Walter for Public Works.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Appropriation. The sums hereinafter detailed are hereby appropriated for the projects specified to the department, agencies, and branches named:



Amend the bill by striking out sections 4 and 5 and inserting in place thereof the following:

4 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in section 1 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$17,502,625 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A; provided, however, that the bonds issued for the purpose of paragraph III, A of section 1 of this act shall have a maturity of 5 years from the date of issue.

5 Payments. The payment of principal and interest on bonds and notes issued for the projects in section 1 shall be made when due from the general funds of the state.

Rep. Daniell moved that the words, Inexpedient to Legislate, be substituted for the report of the Committee, Ought to Pass with Amendment, and spoke to his motion.

Rep. Spirou spoke in favor of the motion.

Rep. Bibbo spoke against the motion.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 119 NAYS 239

YEAS 119

BELKNAP: Bolduc, Bowler, Gary Dionne, Golden and Matthew Locke.

CARROLL: None.

CHESHIRE: Boulter, Eugene Clark, Crane, Hickey, Michaelides and William Riley.

COOS: Chappell, Coulombe, Theriault and Valliere.

GRAFTON: Chambers, Copenhaver Crory, Densmore, Michael King and Wayne King.

HILLSBOROUGH: Abrams, Baker, Brack, Burkush, Cote, Cronin, Crotty, Donovan, Dupont, Durant, Gagnon, Daniel Healy, Humphrey, Michael Jones, Katsiaficas, Evelyn King, Leclerc, Lyons, Morrisette, O'Rourke, Pressly, Raiche, Peter Ramsey, Reidy, Resch, Robie, Roy, B. P. Smith, Soucy, Spirou, James Sullivan, Mary Sullivan, Talbot, Turgeon, Vachon, John Wallace, Roger Wallace, Kenneth Wheeler, Robert Wheeler, Winn and Zajdel.

MERRIMACK: Anderson, Chynoweth, Daniell, Degan, LaBranche, Arthur Locke, McDonnell, Mercier, Pannell, Parrish, Louise Roberts, Rogers, Savaria, Trombly and Wallner.

ROCKINGHAM: Ames, Bangs, Belanger, Beliveau, Blanchard, Blanchette, Carpenito, Cressy, Ellyson, Hollingworth, John Hynes, Keenan, Kozacka, Krasker, Leslie, Joseph MacDonald, Newman, Pantelakos, Popov, Rosencrantz, Sherburne and Splaine.

STRAFFORD: Banks, Belhumeur, Blouin, Bouchard, Chisholm, Demers, Albert Dionne,

Donnelly, Hamel, Hennessey, Hussey, Joos, Musler, Pelley, Arnold Peters and Schreiber.

SULLIVAN: Brodeur, Carlson, Converse, Susan Lawrence.

NAYS 239

BELKNAP: Bastraw, Birch, Dexter, French, Hardy, Holbrook, Lamprey, Pearson, Randall, Sanders, David Whittemore and Zeckhausen.

CARROLL: Ashnault, Chase, Dickinson, Heath, Robert Holmes, Howard, Hraba, Kenneth MacDonald, McIntire, Murphy, Powers and Saunders.

CHESHIRE: Davis, Daniel Eaton, Galloway, Gordon, Grodin, Elmer Johnson, Lane, David Meader, Miller, Robert Moore, Morse, Parker, Perkins, Perry, Margaret Ramsay, Scranton and William Sullivan.

COOS: Brideau, Harold Burns, Chardon, Guay, Horton, David King, Langley, George Lemire, Oleson and York.

GRAFTON: Blair, Christy, Downing, Driscoll, Duggan, Easton, Girouard, Harnish, Hutchings, LaMott, Logan, McAvoy, Rounds, Stevens, Stewart, Taffe, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Debora Ahern, Richard Ahern, Ahrens, Arnold, Arris, Bass, Bolan, Boutwell, John Burns, Leslie Burns, Carragher, Charbonneau, Craig, Duffett, Duprey, Clyde Eaton, Joseph Eaton, Fields, Ford, Galway, Grasso, Grip, Harrington, George Hawkins, Head, Walter Healy, Thomas Hynes, Jean, Kaklamanos, Kashulines, Keefe, Robert Kelley, Knight, Labombarde, Lamy, John Lawrence, David Lemire, Roland Lemire, Levesque, Martineau, Howard Mason, Migneault, Nelson, Nickerson, Nute, Paradis, Parmenter, Marjorie Peters, Quinn, Ellen-Ann Robinson, Russell, Silva, Leonard Smith, Steiner, Sylvia, Tamposi, Van Loon, Wagner, Ware, Geraldine Watson, Harold Watson, Wells, Emma Wheeler, James J. White, Eleanor Whittemore and M. Arnold Wight.

MERRIMACK: Allgeyer, Bardsley, Bibbo, Laurent Boucher, Bowes, Samuel Clark, Dean, Gross, Mary Holmes, Jacobson, Kidder, Lewis, Maltais, Nichols, Doris Riley, Walter Robinson, Shepard, Gerald R. Smith, Stark, Stio, Lawrence Sullivan, Underwood and James Whittemore.

ROCKINGHAM: Benton, Blake, William Boucher, Burdick, Butler, Campbell, Case, Connors, Cotton, Danderson, Day, Drake, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Greene, Gregorio, Joslyn, Kane, Katsakiores, Glenden Kelley, Roger King, Longworth, Lovejoy, Mace, Malcolm, Robert Mason, McLane, William Moore, Nagel, Nevins, Newell, Palumbo, Parr, Quimby, Scamman, Schmidchen, Schwaner, Simon, Skinner, Sloan, Sochalski, Stimmell, Stork, Sytek, Tavitian, Tufts, Vartanian, Vecchione, Walker, Warburton, Webster and Woodward.

STRAFFORD: Appleby, Chamberlin, Couture, Dingle, Fielding, Robert Jones, Kincaid,

Lussier, Paul Meader, Francis Robinson, Sackett, Gerald L. Smith, Timm, Franklin Torr, Ralph Torr and Whiting.

SULLIVAN: D'Amante, Flint, Gray, Ingram, Paul Johnson, Quinlan, Roney and Townsend, and the motion lost.

Question being on the Committee amendment.

Amendment adopted.

I. Administration and Control  
A. State office building

(1) Building and site work	\$ 10,577,625
(2) Architectural and engineering fees	125,000
(3) Engineering and contingency	<u>450,000</u>

Total paragraph I \$11,152,625

II. State Prison

A. Phase II

(1) Building and site work	\$ 16,304,200
(2) Furnishings and equipment	390,000*
(3) Architectural and engineering fees	326,400
(4) Engineering and contingency	<u>695,500</u>

B. Phases III and IV

(1) Design, engineering and construction	<u>\$ 3,403,740</u>
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Total paragraph II \$21,119,840

III. University of New Hampshire

A. Energy conservation - Phase III

Total paragraph III	\$ 5,250,000	\$ 5,250,000
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IV. Liquor Commission

A. Purchase and installation of a Sperry Univac 1100 computer

	\$ 1,100,000*
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Total paragraph IV	<u>\$ 1,100,000</u>
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\* To be 5 year Bonds

Total state appropriation section one	\$38,622,465
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Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in section 1 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$38,622,465 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A; provided, however, that the bonds issued for the purpose of paragraphs II, A(2) and IV of section 1 of this act shall have a maturity of 5 years from the date of issue.

Hearing no objection, the Chair advised the Clerk to dispense with the reading of the amendment.

Rep. LaMott explained his amendment and yielded to questions.

Reps. Silva, Katsiaficas and Keenan spoke against the amendment.

Rep. LaMott offered an amendment.

Amendment

Amend section 1 of the bill by striking out same and inserting in place thereof the following:

1 Appropriation. The sums hereinafter detailed are hereby appropriated for the projects specified to the department, agencies, and branches named:

Reps. Ingram, James J. White and Harnish spoke in favor of the amendment.

Rep. Michael King spoke against the amendment and yielded to questions.

Rep. Bibbo spoke in favor of the amendment and yielded to questions.

Rep. Townsend moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 236 NAYS 123

YEAS 236

BELKNAP: Birch, Dexter, French, Hardy, Holbrook, Lamprey, Pearson, Randall, David Whittemore and Zeckhausen.

CARROLL: Ashnault, Chase, Dickinson, Heath, Robert Holmes, Howard, Hraha, Kenneth MacDonald, McIntire, Murphy and Powers.

CHESHIRE: Eugene Clark, Davis, Daniel Eaton, Galloway, Gordon, Grodin, Elmer Johnson, Lane, David Meader, Miller, Robert

Moore, Morse, Parker, Perkins, Perry, Margaret Ramsay and Scranton.

COOS: Harold Burns, Chardon, Guay, Horton, David King, George Lemire, Oleson and York.

CRAFTON: Blair, Christy, Downing, Driscoll, Duggan, Easton, Girouard, Hornish, Hutchings, LaMott, Logan, McAvoy, Rounds, Stevens, Stewart, Taffe, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Richard Ahern, Ahrens, Arnold, Arris, Bass, Bolan, Boutwell, Brack, Burkush, John Burns, Leslie Burns, Carragher, Charbonneau, Cote, Craig, Duffett, Dupont, Duprey, Clyde Eaton, Fields, Ford, Grasso, Grip, Harrington, George Hawkins, Head, Thomas Hynes, Michael Jones, Kaklamanos, Kashulines, Keefe, Robert Kelley, Knight, Labombarde, John Lawrence, Leclerc, David Lemire, Martineau, Howard Mason, Nickerson, Nute, Parmenter, Marjorie Peters, Pressly, Resch, Robie, Ellen-Ann Robinson, Roy, Russell, B. P. Smith, Leonard Smith, Steiner, Sylvia, Tamposi, Van Loan, Wagner, Ware, Geraldine Watson, Harold Watson, Wells, Emma Wheeler, James J. White, Eleanor Whittemore and M. Arnold Wight.

MERRIMACK: Allgeyer, Bardsley, Bibbo, Laurent Boucher, Bowes, Samuel Clark, Dean, Cross, Mary Holmes, Jacobson, Kidder, Kinhan, Lewis, Maltais, Nichols, Doris Riley, Walter Robinson, Rogers, Savaria, Shepard, Gerald R. Smith, Stark, Stio, Lawrence Sullivan, Underwood and James Whittemore.

ROCKINGHAM: Ames, Benton, Blake, William Boucher, Burdick, Butler, Campbell, Case, Cotton, Danderson, Day, Drake, Ellyson, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Creene, Gregorio, Joslyn, Kane, Katsakiores, Glenden Kelley, Roger King, Longworth, Lovejoy, Mace, Malcolm, Robert Mason, McLane, Nagel, Nevins, Newell, Palumbo, Parr, Quimby, Scamman, Schmidtchen, Schwaner, Simon, Skinner, Sloan, Sochalski, Stimmell, Stork, Sytek, Tavitian, Tufts, Vartanian, Vecchione, Walker, Warburton, Webster and Woodward.

STRAFFORD: Appleby, Bouchard, Chamberlin, Couture, Creteau, Dingle, Hussey, Robert Jones, Kincaid, Paul Meader, Arnold Peters, Francis Robinson, Sackett, Timm, Franklin Torr, Ralph Torr and Whiting.

SULLIVAN: Converse, Flint, Gray, Ingram, Quinlan, Reney and Townsend.

#### NAYS 123

BELKNAP: Bastraw, Bolduc, Bowler, Gary Dionne, Golden, Matthew Locke and Sanders.

CARROLL: None.

CHESHIRE: Boulter, Crane, Hickey, Michaelides, William Riley and William Sullivan.

COOS: Brideau, Chappell, Coulombe, Langley, Theriault and Valliere.

CRAFTON: Chambers, Copenhaver, Crory, Densmore, Michael King and Wayne King.

HILLSBOROUGH: Abrams, Debora Ahern, Cronin, Crotty, Donovan, Durant, Joseph Eaton, Gagnon, Galway, Daniel Healy, Walter Healy, Humphrey, Jean, Katsiaficas, Evelyn King, Lamy, Lefebvre, Roland Lemire, Levesque, Lyons, Migneault, Morrisette, Nelson, O'Rourke, Paradis, Quinn, Raiche, Peter Ramsey, Reidy, Silva, Soucy, Spirou, James Sullivan, Mary Sullivan, Talbot, Turron, Vachon, John Wallace, Roger Wallace, Kenneth Wheeler, Robert Wheeler, Winn and Zajdel.

MERRIMACK: Anderson, Chynoweth, Daniel, Degnan, LaBranche, Arthur Locke, McDonnell, Mercier, Pannell, Parrish, Louise Roberts, Trombly and Wallner.

ROCKINGHAM: Bangs, Belanger, Beliveau, Blanchard, Carpenito, Connors, Cressy, Hollingsworth, John Hynes, Keenan, Kozacka, Krasker, Leslie, Joseph MacDonald, William Moore, Newman, Pantelakos, Popov, Rosencrantz, Sherburne and Splaine.

STRAFFORD: Banks, Belhumeur, Blouin, Chisholm, Demers, Albert Dionne, Donnelly, Fielding, Hamel, Hennessey, Joos, Lussier, Musler, Pelley, Schreiber and Gerald L. Smith.

SULLIVAN: Brodeur, Carlson, D'Amante, Paul Johnson and Susan Lawrence, and the amendment was adopted.

Referred to Appropriations.

HB 51, providing a method of dividing a town into representative districts. Ought to Pass.

Bill provides a method for towns to divide into legislative districts by a vote of a town. Vote 9-1. Rep. Natalie S. Flanagan for Statutory Revision.

Rep. Flanagan moved that HB 51 be recommitted to the Committee on Statutory Revision and spoke to her motion. Adopted.

HB 29, to permit tenants in publicly owned or operated housing projects to keep companion pets. Inexpedient to Legislate. The Committee felt this bill would create more problems than it would cure. Also, the liability between the tenant and the authority is very vague. Rep. Lawrence Cronin for Municipal and County Government.

Resolution adopted.

HB 17, creating new voting districts in Epping and Raymond. Inexpedient to Legislate.

As the floter district for Raymond-Epping was never proposed to the House Reapportionment Committee last year, the Committee will not amend the present Reapportionment Law of House Bill 17. Vote 10-0. Rep. Natalie S. Flanagan for Statutory Revision.

Rep. Blake moved that the words, Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate, and spoke to his motion.

Reps. Sloan and Case spoke in favor of the motion.

Reps. Chase and Flanagan spoke against the motion.

Rep. Warburton spoke to the motion.

Motion lost.

Resolution adopted.

Rep. Kaklamanos offered the following:

#### HOUSE RESOLUTION NO. 16

memorializing Chief Justice  
Edward J. Lampron.

WHEREAS, we have learned with sorrow of the death of retired New Hampshire Supreme Court Justice Lampron, and

WHEREAS, after receiving a degree from Harvard University Law School in 1934, Justice Lampron practiced law in his native Nashua from 1935 until his appointment as an Associate Justice of the Superior Court in 1947, and

WHEREAS, two years later, Justice Lampron was named to the State Supreme Court and became Chief Justice in June 1978, serving until his retirement in August 1979, and

WHEREAS, many of Chief Justice Lampron's opinions from the Bench of the Supreme Court have become landmark decisions having a profound influence on New Hampshire law, and

WHEREAS, his unyielding dedication to the public well-being, is now a rich and valued part of New Hampshire history, now therefore be it

RESOLVED, by the New Hampshire House of Representatives in Regular Session convened, that expressions of sympathy be extended to his family, and be it further

RESOLVED, that a suitable copy of this Resolution be prepared for presentation to his family.

Adopted unanimously by a rising vote of silent prayer.

Rep. Tucker offered the following:

#### HOUSE RESOLUTION NO. 17

memorializing former Representative  
Alexander P. Lewko.

WHEREAS, we have learned with sorrow of the death of former Representative Alexander P. Lewko, and

WHEREAS, from 1941 to 1946, Mr. Lewko served as a Special Police Officer for the town of Newport and then became its Police Chief serving in this capacity for a total of 26 years, and

WHEREAS, Mr. Lewko was a graduate of the F.B.I. National Academy in 1956 and a lifetime member of the New Hampshire Association of Police Chiefs, serving as its President from 1954-1955, and

WHEREAS, Mr. Lewko served the State with distinction as a member of the House of

Representatives during the 1973-1974 and 1977-1978 Legislative Sessions and the Constitutional Convention of 1974, and

WHEREAS, Mr. Lewko's outstanding dedication to the public welfare was also evident through his service as a Sullivan County Deputy Sheriff and a Sullivan County Superior Court Bailiff, and

WHEREAS, Mr. Lewko was also credited for his membership with the New Hampshire Association of Retired Law Enforcement Officers, the F.B.I. National Academy Association, the International Association of Police Chiefs, the New England Association of Police Chiefs and President Eisenhower's Honor Guard, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that expressions of sympathy be extended to his wife Alice and his three daughters, and be it further

RESOLVED, that a suitable copy of this Resolution be prepared for presentation to his family.

Adopted unanimously by a rising vote of silent prayer.

The Grafton County Delegation offered the following:

#### HOUSE RESOLUTION NO. 18

memorializing  
Representative Harold V. Buckman.

WHEREAS, we have learned with sorrow of the death of Representative Harold V. Buckman from Ashland, and

WHEREAS, Harold V. Buckman has served the people of Grafton County District 9 with distinction as a member of the House of Representatives for eight terms, and

WHEREAS, he also served his community faithfully as a member of the Grafton County Executive Committee and as an ex-officio member of the Ashland Planning Board, and

WHEREAS, among the many accomplishments credited Harold V. Buckman during his six years as a member of the Ashland Board of Selectmen, the completion of the municipal garage, the construction of the Squam Lake Hydro-Electric Project and the financing for the municipal parks and playground restoration were all dependent to some degree on his diligent efforts, and

WHEREAS, although real estate was his primary occupation, Harold V. Buckman's natural flair as an auctioneer will never be forgotten, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that expressions of sympathy be extended to his wife, Brice, and family, and be it further

RESOLVED, that a suitable copy of this Resolution be prepared for presentation to them.

Adopted unanimously by a rising vote of silent prayer.

Rep. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills

be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourn today it be to meet Thursday, February 10 at 1:00 p.m.

Adopted.

#### LATE SESSION

##### Third reading and final passage

HB 54, to prohibit the sale of counterfeit drugs.

HB 12, relative to the submission to the voters of a question relating to a charter revision, adoption or amendment.

HB 21, authorizing the establishment of the Electric Light Department Trust in New Ipswich.

HB 65, clarifying and amending the language of RSA 36:24-a.

HB 64, relative to the training and certification of police officers.

HB 150-FN, relative to sunset review of the department of public works and highways - construction and reconstruction.

HB 151-FN, relative to sunset review of the department of public works and highways - maintenance.

HB 152-FN, relative to sunset review of the department of public works and highways - community assistance state funds.

HB 19, allowing publications required to be deposited with the state library to be deposited at no cost to the state library.

HB 141-FN, relative to sunset review of the safety department - division of state police.

#### INTRODUCTION OF GUESTS

Ira Townsend, Patricia and Gene Lamos, husband and daughter and son-in-law of Rep. Townsend.

Rep. Rounds moved that the House stand in recess for the purpose of Introduction of Bills only.

Adopted.

The House recessed at 3:12 p.m.

#### RECESS

(Speaker Pro Tem in the Chair)

Rep. Burns offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 187 through 197, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 187, to create a presumption in favor of allowing attorneys' fees in civil and equitable actions. (Blake of Rockingham Dist. 6 - To Judiciary)

HB 188-FN, to increase the personal needs allowance for recipients of medical assistance residing in nursing homes. (Blake of Rockingham Dist. 6; Zeckhausen of Belknap Dist. 11; Blanchette of Rockingham Dist. 12; Katsiaficas of Hillsborough Dist. 28; Donnelly of Strafford Dist. 7; Lessard of Dist. 21; Splaine of Dist. 24 - To Health and Welfare)

HB 189-FN, relative to district court financing. (Quimby of Rockingham Dist. 7; Smith of Merrimack Dist. 16; Schwaner of Rockingham Dist. 9; Danderson of Rockingham Dist. 11 - To Judiciary)

HB 190-FN, to provide for payment of ambulance service in unincorporated areas. (Guay of Coos Dist. 7; Oleson of Coos Dist. 7 - To Municipal and County Government)

HB 191-FN, indemnifying school districts for certain litigation expenses incurred in connection with the removal of carcinogenic asbestos from the public schools. (Sullivan of Hillsborough Dist. 30; Oleson of Coos Dist. 7; Keefe of Hillsborough Dist. 28 - To Health and Welfare)

HB 192-FN, amending the elderly residential real estate tax exemption and making other minor changes in RSA 72. (Parr of Rockingham Dist. 17; French of Belknap Dist. 4; Hardy of Belknap Dist. 4 - To Municipal and County Government)

HB 193, establishing the week of October 18 through 25 as earth care week. (Waldron of Rockingham Dist. 25; MacDonald of Rockingham Dist. 26; Lo Franco of Rockingham Dist. 26; Krasker of Rockingham Dist. 25; Daniell of Merrimack Dist. 12 - To Statutory Revision)

HB 194, requiring dentists to make a record of all dental work performed and to maintain such record for ten years. (Clark of Cheshire Dist. 3 - To Executive Departments and Administration)

HB 195, relative to ranch bred fox and trapping education. (Dickinson of Carroll Dist. 2 - To Fish and Game)

HB 196, relative to damage to domestic animals. (Dickinson of Carroll Dist. 2 - To Fish and Game)

HB 197, establishing a committee to propose a recodification of the agriculture, horticulture and animal husbandry laws in title XL and other RSA titles and making an appropriation therefor. (Campbell of Rockingham Dist. 20; Greene of Rockingham Dist. 18 - To Environment and Agriculture)

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn. Adopted.

#### APPOINTMENT BY SPEAKER

##### STATUTORY COMMITTEE

CIVIL DEFENSE ADVISORY COUNCIL (RSA 107:5) Rep. Benton

#### COMMITTEE CHANGES

Rep. Walter Robinson off State Institutions, on Statutory Revision.

Rep. Kenneth Malcolm off Resources, Recreation and Development, on Executive Departments and Administration.

Rep. James Whittemore off Executive Departments and Administration, on Resources, Recreation and Development.



# HOUSE JOURNAL 6

*Thursday, 10Feb83*

The House assembled at 1:00 p.m., and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

Almighty God, the source of all wealth, You have taught us through Your Son, Jesus that money often is the cause of separation between us and You and between us as sisters and brothers. You have instructed us not to covet and that a person's worth is not determined by the extent of his holdings. As we deal with the distribution of our State's money let us be keenly aware of Your teachings so that our money will be seen as a friend to do good rather than a tool to persuade. Let us be good stewards of our wealth rather than slaves of our possessions. Give to us the wisdom of Solomon in dividing the budget so that the limited amount we have may be spent with justice and equality and towards the upbuilding of the State. Amen.

Rep. David King led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. LoFranco, Bergeron, Cutting, Bernard, Pevear, Waldron, Sallada, Ralph Torr, Elmer Johnson, Horton, Flynn, Howard, Lovejoy, Robert Moore, Stimmell, Ware, Mary Sullivan, Lefebvre, McGlynn, Abrams, Lucille Wood, Pantelakos, Winn and Blaisdell, the day, illness.

Reps. Ahrens, Simon, Mace, Longworth, Palmer, William Dion, Van Loan, Doris Riley, Case, Schmidtchen, Nevins, M. Arnold Wight, Kennedy, John Hynes, Nickerson and Arnold Peters, the day, important business.

## INTRODUCTION OF GUESTS

Mark Danderson, brother of Rep. Danderson; Leigh Quinn, guest of Rep. Gregorio; Mr. Ray Poussard and his daughter Cheryl, Mr. Dick Doyle and his children Christine, Brian and Sean, guests of Rep. James J. White; Dorothy Flint, wife of Rep. Flint.

Rep. Rounds moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted. Adopted.

## COMMITTEE REPORTS (Consent Calendar)

HB 130-FN, relative to sunset review of the department of agriculture - office of commissioner. Ought to Pass.

Agriculture in New Hampshire generates about \$200 million to the state's economy yearly. It is a diverse industry - from large dairy farms to the Christmas wreath maker - all playing a significant part in the economic life of our communities in terms of employment and markets. The Department of Agriculture serves both the farmer and consumer and should be maintained. Vote was unanimous. Rep. Marilyn R. Campbell for Environment and Agriculture.

HB 131-FN, relative to sunset review of the department of agriculture - meat inspection. Ought to Pass.

Although the state has not carried on meat inspections, there is a need to keep the PAU. This will allow the state to use any federal funds should the federal government put the duties of inspections back to the state via block grants. Vote was unanimous. Rep. Marilyn R. Campbell for Environment and Agriculture.

HB 132-FN, relative to sunset review of the department of agriculture - bureau of weights and measures. Ought to Pass.

Both HB 132 and HB 133 work to protect the farmers as well as consumers. This activity should remain under the Department of Agriculture and not go to the Secretary of State. The Secretary of State licenses a "business" while the Bureau of Weights and Measures licenses individuals as weigh masters, and checks metering devices. Vote was unanimous. Rep. Marilyn R. Campbell for Environment and Agriculture.

HB 133-FN, relative to sunset review of the department of agriculture - bureau of markets. Ought to Pass.

This department assures the quality of farm products, certifies produce for sale outside the state and does so some promotion. Vote was unanimous. Rep. Marilyn R. Campbell for Environment and Agriculture.

HB 134-FN, relative to sunset review of the milk sanitation board. Ought to Pass. The Sunset Committee recommends that the Milk Sanitation Board be recreated. It will allow milk to be marketed and assures the consumer a health product. Vote was unanimous. Rep. Marilyn R. Campbell for Environment and Agriculture.

HB 83-FN, crediting any damage monies obtained from damage to fish life, other aquatic life, wildlife or their habitat, to the fish and game fund. Ought to Pass. Monies recovered from damage to fish and aquatic life go to fish and game fund. Rep. Gerald R. Smith for Fish and Game.

HB 84, relative to the licensing for hunting and trapping wild birds and wild game. Ought to Pass.

Bill legalizes definition of game birds and animals. Rep. John H. Stimmell for Fish and Game.

HB 52, to eliminate the designation of dangerous sexual offender. Ought to Pass. This bill removes the requirement that the court order an evaluation to determine if those convicted of sex crimes should be designated dangerous sexual offenders. Mental health treatment will still be provided for those who need it. The Superintendent of New Hampshire Hospital, the warden of the State Prison and spokesmen from the Psychiatric Society and the Nashua Rape and Assault Committee spoke in support of the bill. Vote 14-3. Rep. Donna P. Sytek for Judiciary.

HB 30, increasing the prize limitation for beano. Inexpedient to Legislate. There are other problems with the current beano law. Therefore, the whole issue will be resolved at one time. Vote 18-0. Rep. Lynn C. Horton for Regulated Revenues.

HB 31, establishing a penalty for a racing licensee's failure to submit certain required information on time. Ought to Pass with Amendment.

This bill establishes a penalty for a racing licensee's failure to submit required information on time and allows 60 days more time to submit the information. Vote 18-0. Rep. Robert P. Mason for Regulated Revenues.

#### Amendment

Amend RSA 284:32-a as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

284:32-a Annual Financial Statement Required. Every person, association or corporation conducting a race or race meet, except those conducted by agricultural fairs, shall annually submit to the commission on or before June 1 an annual financial report of the entity licensed to conduct the race or race meet. The report shall include, at a minimum, a balance sheet, an income statement, a statement of changes in retained earnings, a statement of changes in financial position and the applicable notes to those financial statements for the prior year's operations of the person, association, or corporation, audited by a public accountant or certified public accountant licensed to practice in the state of New Hampshire in accordance with RSA 309-A. Said audit and the auditor's report shall conform to generally accepted auditing standards as prescribed by the American Institute of Certified Public Accountants.

HB 59, granting the Lake Sunapee Protective Association the right to maintain a third lighthouse on Lake Sunapee. Ought to Pass with Amendment.

The Committee gives its strongest endorsement to the continuing interest and support that the Lake Sunapee Protective Association has given to restore and maintain these historic lighthouses. In the future, however, these types of projects should be the subject of contractual arrangements among interested parties and the appropriate state agencies. Vote 16-0. Rep. Howard C. Dickinson, Jr. for Resources, Recreation and Development.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Burkehaven Lighthouse. Amend 1981, 163:1 by striking out said section and inserting in place thereof the following:

163:1 Lighthouse Maintenance. The Lake Sunapee Protective Association is hereby granted the right, at no expense to the state, to repair and maintain the structures of the Herrick Cove, Loon Island and Burkehaven lighthouses on Lake Sunapee. The right shall not extend to the beacon lights. Exercise of this right shall be at the discretion of the Lake Sunapee Protective Association, and the association shall carry appropriate public liability insurance during the exercise of this right.

HB 62, to require the use of child passenger restraints in certain motor vehicles. Ought to Pass.

The Committee found little, if any reason, not to urge the adoption of this concept of promoting safety and protecting children riding in motor vehicles. Vote 15-0. Rep. Irvin H. Gordon for Transportation.

HB 163-FN, relative to sunset review of the board of taxation. Inexpedient to Legislate.

This is a housekeeping measure which has the full support of the Board of Taxation and the Committee. Rep. Roger C. Heath for Ways and Means.

#### THREE LEGISLATIVE DAY EXTENSION GRANTED

HB 45, to increase the penalty for refusal to take the chemical testing to determine alcoholic content of blood.

#### COMMITTEE REPORTS (Regular Calendar)

CACR 1, relating to membership in the House of Representatives. Providing that the number of members shall not exceed 200. Inexpedient to Legislate.

The resolution to reduce the size of the House is too drastic as there would be far too many people to represent; also, reducing the House would be the first step to a professional legislature. Vote 13-0. Rep. Virginia K. Lovejoy for Constitutional Revision.

Reps. Chase and Wells spoke to the committee report.

(Speaker presiding)  
YEAS 295 NAYS 30  
YEAS 295

BELKNAP: Birch, Bolduc, Bowler, Dexter, French, Golden, Hardy, Robert Hawkins, Holbrook, Lamprey, Matthew Locke, Nighswander, Pearson, Randall, David Whittemore and Zeckhausen.

CARROLL: Ashnault, Chase, Dickinson, Heath, Robert Holmes, Hraba, Kenneth MacDonald, McIntire, Murphy, Powers and Saunders.

CHESHIRE: Barber, Eugene Clark, Crane, Davis, Daniel Eaton, Galloway, Gordon, Grodin, Hickey, Lane, Matson, David Meader, Michaelides, Miller, Morse, Parker, Perkins, Perry, Scranton and William Sullivan.

COOS: Brideau, Harold Burns, Chappell, Chardon, Coulombe, Guay, David King, Langley, Oleson, Theriault, Valliere and York.

GRAFTON: Christy, Densmore, Downing, Duggan, Easton, Harnish, Hutchings, LaMott, Mann, McAvoy, Rounds, Stevens, Stewart, Taffe, Walter, Ward and Weymouth.

HILLSBOROUGH: Richard Ahern, Arnold, Arris, Baker, Bass, Bolan, Boutwell, Brack, Leslie Burns, Carragher, Craig, Cronin, Crotty, Donovan, Duffett, Dupont, Duprey, Durant, Clyde Eaton, Joseph Eaton, Fields, Ford, Gagnon, Galway, Gelinis, Grasso, Grip, Harrington, George Hawkins, Daniel Healy, Hendrick, Humphrey, Thomas Hynes, Jean, Kaklamanos, Kashulines, Katsiaticas, Keefe, Robert Kelley, Evelyn King, Knight, Labombarde, John Lawrence, David Lemire, Levesque, Lynde, Martineau, Howard Mason, Migneault, Morrisette, Nelson, Nute, O'Rourke, Parmenter, Marjorie Peters, Pressly, Quinn, Raiche, Peter Ramsey, Reidy, Resch, Robie, Ellen-Ann Robinson, Roy, Russell, Silva, B. P. Smith, Soucy, Spirou, Steiner, Stylianos, James Sullivan, Sylvia, Talbot, Tamposi, Turgeon, Vachon, Wagner, Roger Wallace, Geraldine Watson, Harold Watson, Wells, Emma Wheeler, Kenneth Wheeler, Robert Wheeler, James J. White and Zajdel.

MERRIMACK: Allgeyer, Anderson, Bardsley, Bibbo, Laurent Boucher, Bowes, Chynoweth, Samuel Clark, Dean, Degnan, Gross, Mary Holmes, Kidder, Kinhan, LaBranche, Arthur Locke, Maltais, McDonnell, Mercier, Nichols, Parrish, Phelps, Louise Roberts, Rogers, Savaria, Shepard, Gerald R. Smith, Stark, Stio, Lawrence Sullivan, Trombly, Underwood, Wallner, James Whittemore and Zimmerman.

ROCKINGHAM: Ames, Bangs, Belanger, Beliveau, Benton, Blake, Blanchard, Blanchette, William Boucher, Burdick, Butler, Campbell, Carpenito, Danderson, Day, Drake, Ellyson, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Greene, Gregorio, Hollingworth, Joslyn, Kane, Katsakiores, Keenan, Glenden Kelley, Roger King, Kozacka, Krasker, Joseph MacDonald, Malcolm, Robert Mason, McLane, William Moore, Nagel, Newell, Palumbo, Parr, Popov, Quimby, Romoli, Rosencrantz, Scamman,

Schwaner, Sherburne, Skinner, Sloan, Sochalski, Splaine, Stork, Sytek, Tavitian, Tufts, Vartanian, Vecchione, Walker, Warburton, Webster and Woodward.

STRAFFORD: Appleby, Banks, Belhumeur, Blouin, Bouchard, Chamberlin, Chisholm, Couture, Demers, Dingle, Albert Dionne, Fielding, Hennessey, Hussey, Robert Jones, Kincaid, Lussier, Paul Meader, Musler, Pelley, Francis Robinson, Gerald L. Smith, Timm, Franklin Torr and Whiting.

SULLIVAN: Brodeur, Carlson, D'Amante, Gray, Irwin, Paul Johnson, Susan Lawrence, Quinlan, Reney and Townsend.

NAYS 30

BELKNAP: None.

CARROLL: None.

CHESHIRE: Boulter and Margaret Ramsay.

COOS: Pelletier.

GRAFTON: Blair, Chambers, Copenhaver, Crory, Girouard and Wayne King.

HILLSBOROUGH: Burkush, Cote and Leclerc.

MERRIMACK: Daniell, Jacobson, Lewis, Pannell and Walter Robinson.

ROCKINGHAM: Cressy, Thomas Gage, Leslie and Newman.

STRAFFORD: Donnelly, Grassie, Hamel, Joos, Sackett and Schreiber.

SULLIVAN: Converse, Flint and Ingram, and the committee report, Inexpedient to Legislate, was adopted by the constitutionally required 3/5 of membership. Rep. Head notified the Clerk that she wished to be recorded in favor of the Committee report on CACR 1.

CACR 2, relating to the term of the governor. Providing that the term shall be 4 years. Majority: Ought to Pass. Minority: Inexpedient to Legislate.

MAJORITY: The majority opinion was based on the argument that the newly-elected Governor is required to spend full time preparing the new budget and working on legislative programs while the Legislature sits until July. This leaves eighteen months only to put his programs into effect and run again for office. Vote 7-6. Rep. William A. Fielding for Majority of Constitutional Revision.

MINORITY: The minority is of the opinion that 4 years is too long especially if the Governor does not please the voters. If the Governor is successful, the people will return him for a second term. There is no evidence that a 4-year term guarantees better leadership. (Reps. David J. Bouchard, Virginia K. Lovejoy, Roland D. Martineau, Roger E. Wallace, Rose C. Vachon, Maurice J. Levesque) for Minority of Constitutional Revision.

Rep. Bouchard moved that the report of the Minority, Inexpedient to Legislate, be substituted for the report of the Majority, Ought to Pass, and spoke to his motion.

Reps. Joseph Eaton, Chambers, Kaklamanos and Chase spoke against the motion.

Reps. Martineau and Benton spoke in favor of the motion.

Rep. Scamman moved the previous question. Sufficiently seconded. Adopted.

On a voice vote the motion lost.

Question being on the report of the Majority, Ought to Pass.

Rep. Krasker offered an amendment.

#### Amendment

Amend Art. 42 as inserted by paragraph I of the resolution by striking out same and inserting in place thereof the following:

Art. 42. Election of Governor; Return of Votes; Electors; If No Choice, Legislature to Elect One of Two Highest Candidates; Qualifications for Governor. The governor shall be chosen every 4 years in the month of November, beginning in 1986. The votes for governor shall be received, sorted, counted, certified and returned, in the same manner as the votes for senators. The secretary of state shall present the results to the senate and house of representatives on the first Wednesday of January to be examined by them. In the case of an election by a plurality of votes throughout the state, the general court shall declare and publish the name of the winner. The qualifications of electors of the governor shall be the same as those for senators; and if no person shall have a plurality of votes, the senate and house of representatives shall, by joint ballot elect one of the 2 persons, having the highest number of votes, who shall be declared governor. No person shall be eligible to this office, unless, at the time of his election, he shall have been an inhabitant of this state for 7 years next preceding, and unless he shall be of the age of 30 years. No person shall be eligible for more than 2 consecutive terms as governor.

Hearing no objection the Chair advised the Clerk to dispense with the reading of the amendment.

Rep. Krasker explained the amendment and yielded to questions.

Rep. Rounds spoke in favor of the amendment.

Amendment adopted.

Question being shall CACR 2 pass as amended.

Reps. Spirou and Rounds spoke in favor of the committee report as amended.

(Speaker presiding)

YEAS 282 NAYS 57

YEAS 282

BELKNAP: Birch, Bolduc, Bowler, Dexter, French, Hardy, Robert Hawkins, Holbrook, Lamprey, Nighswander, Pearson, Randall, Sanders, David Whittemore and Zeckhausen.

CARROLL: Chase, Dickinson, Robert Holmes, Hraba, Kenneth MacDonald, McIntire, Murphy, Powers and Saunders.

CHESHIRE: Barber, Boulter, Eugene Clark, Crane, Davis, Daniel Eaton, Gordon, Grodin, Hickey, Lane, Matson, David Meader, Michaelides, Miller, Morse, Parker, Perkins, Perry, Margaret Ramsay, Scranton and William Sullivan.

COOS: Brideau, Harold Burns, Chardon, Colombe, Guay, David King, Langley, Oleson, Theriault, Valliere and York.

CRAFTON: Blair, Chambers, Copenhaver, Crory, Densmore, Downing, Driscoll, Duggan, Easton, Girouard, Harnish, Hutchings, Michael King, Wayne King, LaMott, Mann, McAvoy, Rounds, Stevens, Stewart, Taffe, Walter and Ward.

HILLSBOROUGH: Debora Ahern, Richard Ahern, Arnold, Arris, Baker, Bass, Bolan, Boutwell, Brack, Burkush, John Burns, Carragher, Charbonneau, Cote, Craig, Crotty, Donovan, Duffett, Dupont, Duprey, Joseph Eaton, Fields, Ford, Galway, Gelinas, Crasso, Grip, Harrington, Head, Hendrick, Humphrey, Thomas Hynes, Jean, Michael Jones, Kaklamanos, Kashulines, Katsiaficas, Keefe, Robert Kelley, Evelyn King, Knight, John Lawrence, David Lemire, Roland Lemire, Lynde, Lyons, Howard Mason, Migneault, Morrisette, Nelson, O'Rourke, Parmenter, Marjorie Peters, Pressly, Quinn, Raiche, Reidy, Resch, Robie, Ellen-Ann Robinson, Roy, Russell, B. P. Smith, Leonard Smith, Soucy, Spirou, James Sullivan, Sylvia, Talbot, Tamposi, Turgeon, Wagner, Roger Wallace, Geraldine Watson, Harold Watson, Wells, Robert Wheeler, James J. White and Zajdel.

MERRIMACK: Allgeyer, Bardsley, Bibbo, Bowes, Chynoweth, Samuel Clark, Dean, Degnan, Gross, Mary Holmes, Jacobson, Kidder, Kinhan, LaBranche, Lewis, Maltais, McDonnell, Nichols, Pannell, Parrish, Phelps, William Roberts, Walter Robinson, Rogers, Gerald R. Smith, Stark, Stio, Lawrence Sullivan, Trombly, Underwood, Wallner, James Whittemore and Zimmerman.

ROCKINGHAM: Ames, Bangs, Belanger, Beliveau, Blanchard, Blanchette, William Boucher, Burdick, Butler, Campbell, Carpenito, Connors, Cotton, Cressy, Day, Drake, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Greene, Joslyn, Kane, Keenan, Glenden Kelley, Roger King, Kozacka, Krasker, Leslie, Joseph MacDonald, Malcolm, Robert Mason, McLane, William Moore, Nagel, Newell, Newman, Palumbo, Parr, Quimby, Romoli, Rosencrantz, Scamman, Sherburne, Skinner, Sochalski, Spaine, Stork, Sytek, Vartanian, Walker, Webster and Woodward.

STRAFFORD: Appleby, Banks, Belhumeur, Bouchard, Chamberlin, Chisholm, Demers, Dingle, Donnelly, Fielding, Grassie, Hennessey, Robert Jones, Joos, Kincaid, Paul Meader, Musler, Pelley, Francis Robinson, Sackett, Schreiber, Gerald L. Smith, Timm, Franklin Torr and Whiting.

SULLIVAN: Brodeur, Carlson, Converse, D'Amante, Flint, Gray, Ingram, Irwin, Paul Johnson, Susan Lawrence, Reney and Townsend.



NAYS 57

BELKNAP: Golden and Matthew Locke.

CARROLL: Ashnault and Heath.

CHESHIRE: Galloway.

COOS: Chappell and Pelletier.

CRAFTON: Christy and Weymouth.

HILLSBOROUGH: Leslie Burns, Cronin, Durant, Clyde Eaton, Gagnon, George Hawkins, Daniel Healy, Labombarde, Leclerc, Levesque, Martineau, Nute, Silva, Steiner, Stylianos, Vachon, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Anderson, Laurent Boucher, Cate, Daniell, Arthur Locke, Mercier, Louise Roberts, Savaria and Shepard.

ROCKINGHAM: Benton, Blake, Danderson, Ellyson, Gregorio, Hollingworth, Katsakiores, Popov, Schwaner, Sloan, Tavitian, Tufts, Vecchione and Warburton.

STRAFFORD: Blouin, Couture, Albert Dionne, Hamel, Hussey and Lussier.

SULLIVAN: Quinlan, and CACR 2 was adopted by the constitutionally required 3/5 of the membership.

CACR 3, relating to the date on which the votes for councilors are laid before the senate and house of representatives. Providing that the votes be laid before the senate and the house of representatives on the first Wednesday following the first Tuesday in January. Ought to Pass.

Article 50, part 2 of the Constitution provides that the Legislature must meet on the first Wednesday of January to canvas the votes for Councilors. This means that when the first of January falls on Wednesday, the Legislature would have to meet on New Year's Day. This is a housekeeping change. Vote 13-0. Rep. Roger E. Wallace for Constitutional Revision.

Rep. Wallace spoke to the committee report.

(Speaker presiding)

YEAS 333 NAYS 0

YEAS 333

BELKNAP: Birch, Bolduc, Bowler, Dexter, French, Golden, Hardy, Robert Hawkins, Holbrook, Lamprey, Matthew Locke, Nighswander, Pearson, Randall, Sanders, David Whittemore and Zeckhausen.

CARROLL: Ashnault, Chase, Dickinson, Heath, Robert Holmes, Hraba, Kenneth MacDonald, McIntire, Murphy, Powers and Saunders.

CHESHIRE: Barber, Boulter, Eugene Clark, Crane, Davis, Daniel Eaton, Galloway, Gordon, Grodin, Hickey, Lane, Matson, David Meader, Michaelides, Miller, Morse, Parker, Perkins, Perry, Margaret Ramsay, Scranton and William Sullivan.

COOS: Brideau, Harold Burns, Chappell, Chardon, Coulombe, Guay, David King, Langley, Oleson, Pelletier, Theriault, Valliere and York.

CRAFTON: Blair, Chambers, Christy, Crory, Densmore, Downing, Driscoll, Duggan, Easton, Girouard, Harnish, Hutchings, Michael King, Wayne King, LaMott, Mann, McAvoy, Rounds, Stevens, Stewart, Taffe, Walter, Ward and Weymouth.

HILLSBOROUGH: Debora Ahern, Richard Ahern, Arnold, Arris, Baker, Bass, Bolan, Boutwell, Brack, Burkush, John Burns, Leslie Burns, Carragher, Charbonneau, Cote, Craig, Cronin, Crotty, Donovan, Duffett, Dupont, Duprey, Durant, Clyde Eaton, Joseph Eaton, Fields, Ford, Gagnon, Galway, Gelinias, Grasso, Grip, Harrington, George Hawkins, Head, Hendrick, Humphrey, Thomas Hynes, Jean, Michael Jones, Kashulines, Katsiaficas, Keefe, Robert Kelley, Evelyn King, Knight, Labombarde, John Lawrence, Leclerc, David Lemire, Roland Lemire, Levesque, Lynde, Lyons, Martineau, Howard Mason, Migneault, Morrisette, Nelson, Nute, O'Rourke, Parmenter, Marjorie Peters, Pressly, Quinn, Raiche, Reidy, Resch, Robie, Ellen-Ann Robinson, Roy, Russell, Silva, B. P. Smith, Leonard Smith, Soucy, Spirou, Steiner, Stylianos, James Sullivan, Sylvia, Talbot, Tamposi, Turgeon, Vachon, Wagner, Roger Wallace, Geraldine Watson, Harold Watson, Wells, Emma Wheeler, Kenneth Wheeler, Robert Wheeler, James J. White and Zajdel.

MERRIMACK: Allgeyer, Anderson, Bardsley, Bibbo, Laurent Boucher, Bowes, Cate, Chynoweth, Samuel Clark, Daniell, Dean, Degnan, Gross, Mary Holmes, Jacobson, Kidder, Kinhan, LaBranche, Lewis, Arthur Locke, Maltais, McDonnell, Mercier, Nichols, Pannell, Parrish, Phelps, Louise Roberts, William Roberts, Walter Robinson, Rogers, Savaria, Shepard, Gerald R. Smith, Stark, Stio, Lawrence Sullivan, Trombly, Wallner, James Whittemore and Zimmerman.

ROCKINGHAM: Ames, Bangs, Belanger, Beliveau, Benton, Blanchard, Blanchette, William Boucher, Burdick, Butler, Campbell, Carpenito, Connors, Cotton, Cressy, Danderson, Day, Drake, Ellyson, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Greene, Gregorio, Hollingworth, Joslyn, Kane, Katsakiores, Keenan, Glenden Kelley, Roger King, Kozacka, Krasker, Leslie, Joseph MacDonald, Malcolm, Robert Mason, McLane, William Moore, Nagel, Newell, Newman, Palumbo, Parr, Popov, Quimby, Romoli, Rosencrantz, Scamman, Schwaner, Sherburne, Skinner, Sloan, Sochalski, Splaine, Stork, Sytek, Tavitian, Tufts, Vartanian, Vecchione, Walker, Warburton, Webster and Woodward.

STRAFFORD: Appleby, Banks, Belhumeur, Blouin, Bouchard, Chisholm, Couture, Demers, Dingle, Albert Dionne, Donnelly, Fielding, Grassie, Hamel, Hennessey, Hussey, Robert Jones, Joos, Kincaid, Lussier, Paul Meader, Musler, Pelley, Francis Robinson, Sackett, Schreiber, Gerald L. Smith, Timm, Franklin Torr and Whiting.



SULLIVAN: Brodeur, Carlson, Converse, D'Amante, Flint, Gray, Ingram, Irwin, Paul Johnson, Susan Lawrence, Quinlan, Reney and Townsend.

# NAYS 0

CACR 3 was adopted by the constitutionally required 3/5 of the membership.

Rep. James Chamberlin notified the Clerk that he wished to be recorded in favor of CACR 3.

HB 70, adjusting the butterfat content of milk to conform to requirements in adjacent states. Inexpedient to Legislate. There is no support from New Hampshire farmers or New Hampshire processors to lower its standards of milk. It would mean lowering the quality of milk to the consumer. The one dissenting vote was based on a desire to see the standards raised to 3.5. In fairness to all, the butterfat content of milk should remain at 3.35. Vote 15-1. Rep. Marilyn R. Campbell for Environment and Agriculture.

Resolution adopted.

HB 15, prohibiting the harassment of hunters, trappers and fishermen. Refer for Interim Study.

Committee feels bill needs a lot more study and could increase posting and would be hard to enforce. Vote 15-2. Rep. John H. Stimmell for Fish and Game.

Referred for Interim Study.

HB 32-FN, relative to the suspension of penalty assessment payments to the police standards and training fund. Ought to Pass.

This bill prevents the courts from suspending that portion of a fine which provides payments for the police standards and training fund. The courts will retain the discretion to suspend all or a portion of the fine in appropriate cases. Vote 10-7. Rep. Kendall W. Lane for Judiciary.

Ordered to third reading.

HB 34-FN, providing for a single annual motor vehicle inspection and changing the inspection sticker fee. Inexpedient to Legislate.

The Committee felt that the safety valve of semi-annual inspections was worth the inconvenience of having one's car inspected twice a year. New Hampshire's unique weather and road conditions create problems which semi-annual inspections are more likely to detect in time. Vote 11-4. Rep. K. Michael Tavitian for Transportation.

Rep. Daniel Eaton moved that the words, Ought to Pass, be substituted for the report of the committee, Inexpedient to Legislate, and spoke to his motion.

Reps. Tavitian, Sloan and Gordon spoke against the motion.

Reps. Heath and Hennessey spoke in favor of the motion.

Rep. Ingram spoke to the motion.

Rep. Townsend moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

Rep. James Demers abstained from voting under Rule 16.

(Speaker presiding)

YEAS 177 NAYS 149

YEAS 177

BELKNAP: Dexter, Hardy, Matthew Locke, Nighswander, Pearson, Sanders and Zeckhausen.

CARROLL: Ashnault, Dickinson, Heath, Robert Holmes, Hraba, McIntire, Murphy, Powers and Saunders.

CHESHIRE: Eugene Clark, Crane, Daniel Eaton, Grodin, Hickey, Lane, Matson, Michaelides, Miller, Perkins, Perry, Margaret Ramsay and William Sullivan.

COOS: Chappell, Guay, David King, Oleson and Valliere.

CRAFTON: Christy, Downing, Duggan, Easton, Girouard, Harnish, Hutchings, LaMott and Taffe.

HILLSBOROUGH: Arnold, Arris, Baker, Bass, Bolan, Brack, Burkush, John Burns, Charbonneau, Cote, Craig, Cronin, Durant, Clyde Eaton, Galway, Grasso, Grip, Head, Humphrey, Jean, Michael Jones, Kaklamanos, Kashulines, Katsiaficas, Robert Kelley, Evelyn King, John Lawrence, Leclerc, David Lemire, Roland Lemire, Lynde, Lyons, Martineau, Howard Mason, Migneault, Morrisette, Nute, Marjorie Peters, Quinn, Raiche, Reidy, Ellen-Ann Robinson, Russell, Silva, B. P. Smith, Talbot, Tamposi, Turgeon, Vachon, Wagner, Wells, Emma Wheeler, Kenneth Wheeler, Robert Wheeler, and James J. White.

MERRIMACK: Allgeyer, Anderson, Bibbo, Laurent Boucher, Bowes, Chynoweth, Samuel Clark, Daniell, Dean, Degnan, Cross, Jacobson, Kinhan, Arthur Locke, McDonnell, Pannell, Phelps, Louise Roberts, William Roberts, Walter Robinson, Rogers, Savaria, Shepard, Lawrence Sullivan, Trombly, Underwood and Wallner.

ROCKINGHAM: Burdick, Connors, Cotton, Cressy, Danderson, Ellyson, Greene, Hollingworth, Katsakiores, Keenan, Krasker, Leslie, Joseph MacDonald, Robert Mason, McLane, William Moore, Newell, Newman, Palumbo, Parr, Quimby, Romoli, Rosencrantz, Splaine, Tufts, Vecchione and Walker.

STRAFFORD: Belhumeur, Chamberlin, Couture, Dingle, Albert Dionne, Grassie, Hamel, Hennessey, Hussey, Robert Jones, Joos, Pelley, Sackett, Gerald L. Smith and Franklin Torr.

SULLIVAN: Brodeur, Carlson, Converse, Flint, Ingram, Irwin, Paul Johnson, Susan Lawrence, Reney and Townsend.

NAYS 149

BEKNAP: Birch, Bolduc, Bowler, Gary Dionne, French, Golden, Robert Hawkins, Holbrook, Lamprey, Randall and David Whittemore.

CARROLL: Chase and Kenneth MacDonald.

CHESHIRE: Boulter, Davis, Gordon, David Meader, Morse, Parker and Scranton.

COOS: Harold Burns, Chardon, Coulombe, Langley, Pelletier, Theriault and York.

GRAFTON: Blair, Chambers, Copenhaver, Crory, Densmore, Driscoll, Wayne King, Mann, McAvoy, Rounds, Stevens, Stewart, Walter and Weymouth.

HILLSBOROUGH: Debora Ahern, Richard Ahern, Boutwell, Leslie Burns, Carragher, Crotty, Donovan, Duffett, Dupont, Duprey, Joseph Eaton, Fields, Ford, Gagnon, Gelinas, Harrington, George Hawkins, Daniel Healy, Thomas Hynes, Keefe, Knight, Labombarde, Levesque, Nelson, Parmenter, Pressly, Peter Ramsey, Resch, Robie, Leonard Smith, Soucy, Steiner, James Sullivan, Sylvia, Roger Wallace, Geraldine Watson, Harold Watson and Zajdel.

MERRIMACK: Bardsley, Cate, Mary Holmes, Kidder, LaBranche, Maltais, Mercier, Nichols, Parrish, Gerald R. Smith, Stark, Stio, James Whittemore and Zimmerman.

ROCKINGHAM: Ames, Bangs, Belanger, Beliveau, Blake, Blanchard, Blanchette, William Boucher, Butler, Campbell, Carpenito, Day, Drake, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Gregorio, Joslyn, Kane, Glenden Kelley, Roger King, Kozacka, Malcolm, Nagel, Popov, Scamman, Schwaner, Sherburne, Skinner, Sloan, Sochalski, Stork, Sytek, Tatvian, Vartanian, Warburton, Webster and Woodward.

STRAFFORD: Appleby, Banks, Blouin, Bouchard, Chisholm, Fielding, Kincaid, Lussier, Paul Meader, Musler, Francis Robinson, Schreiber, Timm and Whiting.

SULLIVAN: Gray and Quinlan, and the motion was adopted.

Question being on the substitute motion, Ought to Pass.

Adopted.

Ordered to third reading.

Reps. Lewis and Donnelly notified the Clerk that they wished to be recorded against HB 34.

Reps. Rounds and Spiro offered the following:

RESOLVED, that the Honorable Senate be notified that the House of Representatives will be ready to meet the Senate in Joint Convention at 2:40 p.m. for the purpose of hearing the Governor's budget message.

Adopted.

# JOINT CONVENTION (Speaker presiding)

Mr. Speaker, Madam President, Honorable members of the General Court: I come before you today to present the operating budget as required by the Laws of the state of New Hampshire.

The current fiscal problems of our state are matters of serious concern to every citizen from Coos to the sea. There are those who, for whatever reasons, have predicted continued economic disarray for the state. I reject that premise and believe sincerely the budget we present to you today will address those problems and constructively solve the financial crisis we together have faced over the past few years.

New Hampshire is not unique in its struggle to meet and to solve the adverse economic challenges which now beset most every state in the nation. Indeed, all but a handful of states will find themselves in difficult financial straits at the close of their current fiscal years. I shall not dwell on the specific reasons for these problems except to note they result from the combination of changes in the relationships between the federal government and the states, a soft national economy, and in our case, a lack of prudent consideration or timely management of our financial affairs. Clearly, it is in that context we must address our current budget needs.

The report of the Comptroller of the State of New Hampshire places in clear perspective New Hampshire's financial history over the past few years. That report makes clear New Hampshire, in 1979, closed the year with a \$33 million surplus. In 1980, that surplus was eroded to \$9 million; and in 1981, at the close of the biennium, that \$33 million surplus became a \$30 million deficit.

That report also shows that as of June 30, 1982, the first year of the current biennium, we had a deficit of \$33 million and projections indicated that if no action was taken it could have increased by \$10 or \$20 million more by the end of the biennium. The Comptroller, the Advisory Budget Control Committee and the Acting Governor, all acted prudently and courageously in enacting the 4% cutback to limit the increase in deficit. Even with that action, the projected deficit for June 30, 1983 is more than \$36 million.

Although I strongly support the ABCC action, I am exercising my authority as Governor and will seek ABCC approval of my waiver request to postpone the actual reduction until the December payments for both the fiscal year and calendar year communities.

This will reduce the potential impact this act might have on communities who may already have spent money or have difficulty in making up this shortfall.

That \$36 million deficit is the starting point for our budget development.

A budget is more than a series of figures on a balance sheet. It is a statement of policy. That policy is a summary statement of the goals, the objectives, and the aspirations of the state and its citizens. The hard, cold economic

reality of the times demands we balance those goals, objectives and aspirations against the financial resources we have available. This budget is a balance between responding to our needs and wants, and our capacity to deliver legitimate governmental services within our ability to pay.

This budget funded what was essential, it eliminates what is not required, and delays or postpones what is not timely. It provides capping mechanisms to programs with tendencies to get out of control and installs review processes to evaluate effectiveness and efficiency.

Before we address the specific details of the budget, permit me to outline the course upon which we will embark to carry out the programs outlined herein—how the State of New Hampshire will manage its affairs.

Since my election as Governor, I have been working to develop ways to improve and enhance the management and effectiveness of state government. In this budget, with few exceptions, we have not attempted to address the needs for reorganization of state government. That task will follow. That need can be best addressed by separate legislation providing for a reorganization which develops a foundation for a new vigorous, effective management structure for the Executive Branch of the State of New Hampshire. I am committed to provide input to you, to work with you, and be a constructive partner in shaping that legislation.

This reorganization must be based on giving the Governor, as Chief Executive of the State of New Hampshire, the ability to appoint and remove at will the key managers of state government. That authority must include a coterminous tenure for the principal department heads of this state. At the very least, any legislation for reorganization must address that basic requirement.

In addition to the long-term strategy involved in reorganization, I have responded to the current situation by taking immediate actions to provide a constructive and affirmative leadership as manager of the Executive Branch. To accomplish this, I have assembled department heads from each of the six major areas of government. They have been acting and will continue to act as my principal advisory group for the management of state government.

Their first task was to assist me in the preparation of this budget. That group, acting as a Budget Advisory Committee, consisted of Commissioner Helms, Commissioner Price, Commissioner Clements, Commissioner Flynn, Commissioner Gilman, Commissioner Brunelle, Comptroller Cornelius, my acting Budget Director Terry Morton and myself. The Budget Advisory Committee participated in the development of the assumptions on which this budget was based and provided recommendations as we addressed the priorities. Further, they provided suggestions on how the budget might be best presented. I will continue to meet with them on a regular basis and together we will address the process of bringing effective management to the government of our state.

Our agenda includes a number of major tasks which are long overdue in our state. We will work to develop, as soon as possible, an effective management reporting system that can and will provide, on a timely basis, data on the actual activities within our state departments as they relate to personnel, to expenditures and to their performance in terms of goals and objectives.

We will address in the context of recent federal executive orders, and the work already underway within a number of our departments, a statewide effort to reduce paperwork requirements within our state government, and between our state government and the federal process.

In order to improve the long-term capacity of our state to plan and evaluate effective programs to serve our citizens' needs, I am in the final phases of restructuring and redesigning the Office of State Planning.

It is my intention to develop that office as a working arm for the Governor's Chief Financial Officer. Responding to the Financial Officer, that office will serve as the focal point for budget development and long-range state planning.

This would allow us to stop merely reacting to crises and provide thoughtful planning which we in state government ought to use as the basis for long-range solutions.

This restructured unit will provide us with assistance in developing the tighter management controls and the improved strategic planning which form the assumptions on which a budget is developed.

The importance of that relationship can be best understood by recognizing the development of this budget began months ago. In fact, the process will conclude only when your deliberations are done. Even with that, our budget decisions will be completed well in advance of federal decisions. Yet proper response at the state level requires we have some feeling for the changes that will occur at the federal level.

Participation and involvement of department heads and other members of the Executive Branch in the development of this budget has been very extensive. To assist them in that development, we have sought and received help from the private sector which provided us more than two dozen virtually full-time participants in this budget process. To each of them, especially Mr. Terry Morton, who led and coordinated this intensive effort, I extend, on behalf of the State of New Hampshire, my most sincere thanks. Individually and as a group, you have provided a most valuable, appreciated service to the state.

To place in perspective the needs of the state, I have sought out the opinions and thoughts of financial experts from around the country, as well as experts with experience in specific areas in which we seek to deliver services. There has also been significant involvement at all levels within departments including the people who, unheralded, but day after day, carry out the responsibilities of state government.

In this regard, I am pleased to report to you today, with few exceptions, I have found our state employee family to be responsive, capable and dedicated to its responsibilities on behalf of our people.

I am confident the assumptions on which this budget has been made will hold through the process. We intend, however, to utilize a more effective review process to keep well-informed not only on our revenues and expenditures, but on the changes in federal programs which might impact the situation in our state. It is our intention to monitor the process effectively and to respond to changes in a timely fashion. Not only will we be working with the Legislature to develop this budget, but we will work to make sure this budget is implemented as intended by the eventual legislation.

The budget I present to you today addresses the needs of the state, and specifically the needs of the citizens of our state as a whole. It finances the basic services needed by our citizens and provides a viable framework within which New Hampshire can fulfill its role in meeting those needs.

It is a realistic budget. It is a balanced budget. It is a fair budget. It is a constructive budget and it is a responsive budget.

It recognizes we must deliver these services in a time when we must accept the limitations of resources and a major responsibility we carry in developing this budget is to manage and utilize those resources in the most effective ways possible.

First of all, there are some facts and figures that generally characterize the budget.

The gross appropriations for 1984 are \$932 million and for 1985 are \$964 million. These compare with \$868 million for 1983.

The net general fund appropriations for 1984 are \$356 million and for 1985 are \$363 million. These compare with \$337 million for 1983. These figures represent a 5.8% increase the first year and a 1.8% increase the second year.

Although there are a few fee changes and some closing of loopholes, there are no new major taxes.

The existing level of taxation is retained, including a continuation of the 13.5% surtax on business profits and the 3¢ per gallon surcharge on gasoline.

Funding of aid to cities and towns has been maintained at amounts consistent or greater than amounts to which they would have been entitled under extensions of current law.

The funding level to the university system has been maintained in 1984 and increased by 3% in 1985.

In each year of the biennium, money has been made available to the state legislature and set aside to fund wage increases for state employees.

Funding of the Foundation Aid to Local Education, and to Catastrophic Aid Program to assist communities to finance special education, has been increased by a total of \$1 million.

State funding for the Alcohol and Drug Abuse Prevention Program has been increased to offset the reduction of federal funding.

This budget provides for an increase of AFDC grant levels of 9% over the biennium.

The budget increases funding for the community mental health residential programs by more than \$1.5 million per year.

The distributions to cities and towns have, for the most part, been released from dependence on levels of revenue sources and guaranteed to the cities and towns. If this budget package is accepted, I pledge to pay the amounts provided in the budget without reduction and without postponement. By unbundling aid from specific revenue sources, the communities and school districts will not have to make up any shortfalls in state revenues.

I am taking a number of specific steps in order to insure there are no more fiscal shocks like that which confronted me right after the election in terms of the public disclosure on the surprisingly large size of the 1982 deficit and the very significant 1983 revenue shortfall.

I am forming and will use a financial outlook committee comprised of the Comptroller, Treasurer, Commissioner of Revenue Administration and my Chief Financial Officer. This Committee will meet with me at least quarterly to keep me apprised of current estimates for revenue and expenditures. I plan to make public my projections at least semi-annually, or more frequently if warranted.

The work of this committee will mesh productively with the Strategic Planning Group reporting to the Governor's Office which will have the responsibility for considering the needs of state government beyond the two-year budget cycle.

This budget transfers the disbursement responsibility from the Treasurer to the Comptroller and provides funding for a new financial reporting system. I have given the Comptroller the goal of, by 1985, having the new system in place so the Comptroller can report on a more timely basis the actual financial results as compared to the budgeted or authorized amounts.

The budget provides funding for an Operations Analysis Group in the Comptroller's office to work year-round promoting more efficient use of government resources.

The budget provides funding of a Risk Management and Benefits unit for the purpose of safeguarding the State's assets and assisting in the containment of benefits and other insurance increases.

The changes in revenue reporting and collection recommended will not only increase revenue, but they will also increase the ability to predict in a more timely fashion the receipt of revenues.

The only major reorganization contained within this budget is the elimination of the concept and the Department of Centralized Data Processing. In this budget, responsibilities for data processing and data processing resources have been transferred to the specific departments. Funding has been provided to those departments to meet their needs.

To replace the coordination function provided by Centralized Data Processing, we have established a Department of Program Management reporting to the Governor. That office will permit us to coordinate activities while still recognizing modern technology and developments in both hardware and software may make it appropriate,



economical, and effective for individualized departments to deal with their responsibilities internally.

The budget makes provisions for a restructuring of the staffing within the state liquor stores to be more reflective of the most efficient distribution of personnel within that department. Without fail, all the experts we have consulted have informed us the ratio of full-time personnel to part-time personnel in that department is too high to appropriately meet the significant difference between peak and level loads in retail operation. It is our intention to give the Commissioners more authority and flexibility to address that need.

The Department of Health and Welfare represents over one-third of our general fund.

While this budget has been put together with consideration to the limits of resources we have available, it does, however, compassionately address the state's responsibilities to our less fortunate citizens. Thus, the Department of Health and Welfare has within this budget received a substantial and justifiable increase of general fund dollars.

Let me summarize for you some of these programs which we have augmented.

For example, a significant fraction of our population depends on the Aid for Dependent Children Program for their everyday existence. It supports the roof over their heads and the food on their tables. The level of payments under this program, however, has not been adjusted in five years.

Accordingly, I have included in my budget sufficient funds which will allow for an upward adjustment of the AFDC payments that will reflect the anticipated inflation rate over the next two years, and also allow the level of payments under those benefits to climb with inflation.

In the area of alcohol and drug abuse, cutbacks in federal funds were anticipated in the coming biennium which would have resulted in the elimination of a significant portion of the programs we currently have. That cutback would have seriously impacted our ability to serve those needs. Therefore, we have provided state funding to compensate for the loss of federal dollars so our commitment to the current level of alcohol and drug abuse services remains constant.

In the area of mental health and developmental services, state programs are undergoing major changes. There have been a number of committees which have reviewed our current and future needs. In the development of this budget, we have given consideration to the recommendations and reports of a variety of groups including your own legislative committee. This budget reflects some of those recommendations and is a constructive response to those needs.

There are a few points that should be stressed. I am still committed to the pledge I made to you during my campaign. New Hampshire urgently needs and will have new facilities to replace the antiquated and inefficient State Hospital and Laconia State School. Although there do remain some

questions as to the exact size and location of these new facilities, I will devote whatever time is necessary to work with you to resolve these questions in the coming months so we can move forward with firm plans during this biennium.

It is clear our system of care for the mentally disabled is in the process of being restructured. The system must provide a mechanism for delivering competent care in adequate financial amounts to meet these needs. Furthermore, under no circumstances must the state abdicate its fiscal responsibility by transferring it onto the shoulders of the cities and towns.

Within this budget you will find resources to support certain general hospital psychiatric services and a flexibility within the program to give the director responsibility to utilize funds where the needs exist. As areas of the state reduce their use of state facilities, they will receive funds from the institution to provide care and treatment at the local level.

While this change is underway and while we are meeting our responsibilities in this area, I want to stress that I retain a strong commitment for building and establishing accountability within this new system. As we spend additional dollars in these areas, we must be assured these dollars are being spent appropriately.

Since I have come into office, I have, with the assistance of experts, assessed and evaluated the effectiveness of the programs that have been established in response to the Laconia State School lawsuit and are being put into place within our mental health system. I will intensify that evaluation process to assure the programs we are establishing serve not only the individuals involved, but also are serving the taxpayers of the State of New Hampshire as well.

Let me assure you that although the State of New Hampshire will successfully and effectively respond to the orders of the court, we will do so in an efficient, responsible manner. The budget recommendations today include a constructive response to that commitment.

While addressing our changing responsibilities in mental health, this budget does continue to provide adequate funding for the New Hampshire Hospital and for the community mental health centers. In order to deliver maximum services while making efficient use of our resources, we have expanded the use of both cost reduction and revenue-maximizing strategies in this area. Furthermore, I assure you the effort of bringing efficiency and effectiveness to this process does not stop with the development of this budget. I and the leadership of the department and the division will continue to work on these issues throughout the biennium.

Within the Department of Health and Welfare, the Division of Public Health is the smallest component in a budgetary sense. However, they deal with a very significant number of our citizens on a day-to-day basis by providing services that range from nutrition, to licensing hospitals, to the regulation of nursing



homes, to the protection of our people from the hazards of waste disposal. The budget for that agency reflects the recognition of the importance of these responsibilities.

In the area of hazardous wastes, the Division of Public Health shares responsibility with the Water Supply and Pollution Control Agency. Their cooperative efforts are crucial to the State of New Hampshire. The need to address effectively the issue of hazardous wastes now is clear. Our responsibility to provide the technical assistance and financial resources to address our needs is self-evident.

In this budget, I am calling for a state commitment to our environment. In the area of hazardous wastes, this commitment consists of a \$1.5 million bond issue which will bring to New Hampshire almost \$15 million in matching funds for hazardous waste cleanup. Furthermore, it is my intention to reorganize the staff of the Governor's Office to provide a focal point for addressing the environmental needs of the State of New Hampshire. As we address the needs of reorganization, we will examine the question as to whether consolidation of responsibilities would allow the state to deal more effectively with these needs.

There is one additional area in the context of the Department of Health and Welfare which I wish to emphasize. In terms of allocation of resources, the State of New Hampshire can be proud of its historical commitment to assisting our elderly through programs of long-term health care. In fact, we are among the leaders, if not the leader, in the nation in terms of per capita contributions to this need.

However, I believe it is time we begin to address the use of more versatile, innovative ways of assisting our elderly with less emphasis on institutionalization and nursing homes and more in providing resources within communities and the family structure to meet this responsibility.

Thus, I have directed the Department to establish programs and pursue, if necessary, waivers from the federal government, which will allow us to provide community care alternatives for the frail elderly. And within a few days, I will publicly announce the formation of a task force to develop a comprehensive system for long-term care. The budget we have proposed is designed with the flexibility to meet a breadth of responsibilities in that area.

Throughout the development of this budget we have looked long and hard within the Department of Health and Welfare not only to reduce our costs but, where appropriate, to make more effective programs and delivery of services. It has been a very intense effort. We allocated a major portion of our budget development resources to this end. We received good cooperation and assistance from the department's division heads and the people within the programs. The budget we present for this department fairly and effectively addresses our priorities and needs in this area and provides solutions consistent with the commitment to good, effective government I have made.

However, the budget process is not an end in itself, and I assure you as we

proceed through the biennium, we will continue our effort. I have included within this budget resources to permit us to continue this intense effort to improve the operations within that department to maximize the delivery of services at minimum cost and, in fact where possible, to maximize the development of compensating revenue from alternative sources such as federal dollars. To this end, we have already begun a program, reporting directly to the Governor, to address some of these principal responsibilities.

Some of the specific projects included in this task include a review of the current organizations and operations of each division within the department and the design of the most effective and efficient organization, staff plan and work methods for the delivery of services. Also, the design and implementation of improved accountability and cost control systems for AFDC, food stamps, social services and mental health and developmental disabilities programs, development of a program for achieving immediate productivity improvements at New Hampshire Hospital and the Laconia State School; and a review of current financial and contract controls for the mental health and developmental disabilities program, including specified contract reviews as requested by the Governor's Office.

This continued review will assure the expenditures requested under this budget will truly respond to the needs of our people in the most effective and efficient manner.

While there has been an overall increase in expenditures of about \$17 to \$20 million over the biennium, there has been a great deal of give and take in the process. The budget as presented reflects an approximately 30 percent reduction from the original department request and an approximately 20 percent reduction from the maintenance budget. Furthermore, we have developed in the budget process a negotiated cap on departmental staffing to correspond to the staffing levels as of June 30, 1983.

There has been a restructuring of the program to permit expansion of federal funding for mental health programs to develop a reduction of general funding commitments through the use of a community waiver request. There is a commitment to a full-scale cost reduction program which has already been initiated and will be carried out through the biennium. There is a commitment to a full-scale review of the developmental services budget and program process. I believe this budget represents the best interests of both the recipients of services and the taxpayers of the state of New Hampshire.

The roads and highways of New Hampshire are principal areas of activity for state and local government.

The availability of additional funds through the Federal Gas Tax Program has received widespread publicity. In our budgeting process we have attempted to identify the principal priorities and needs of the State of New Hampshire to most effectively utilize these funds as they become available. The programs included in

this budget reflect that priority. However, we have also attempted to recognize changing patterns of needs within our cities and towns.

Under existing laws, cities and towns would receive a total of \$9.6 million for road and highway funding. My budget includes a \$10.7 million Highway Block Grant Aid Program for our communities plus a separate continuation of \$400,000 for the Class V maintenance to smaller communities. It consolidates the existing town road aid and highway subsidy programs into a single highway aid program. This block grant approach will allow our municipalities greater flexibility in the expenditure of these funds and will simplify the administration of these programs, and it represents an increase of more than \$1.5 million per year to the communities.

Thus, not only have we provided this increase in the total funding level, but we have done it in such a way to permit communities to address their specific needs most effectively.

The quality of life in this state, its character as a good place to live, raise a family and do business, is supported in part by the beauty and the abundant natural resources which New Hampshire possesses. In this budget we have supported the efforts of our resource agencies to maintain that quality of life within our state.

All of our resources, parks, forests, lakes and streams, feel the impact of growth and development, and the stewardship which the state has demonstrated in water and land management will be continued in a realistic and effective way under the budget allocations we have proposed for the water, land and park agencies.

We have also recognized an obligation to continue our commitment to jobs and business development within our state. Part of that commitment has been reflected in the targeting of programs of vacation travel promotion and industrial development support. Both of these important programs involve job creation. The commitment of general fund revenues, and local funding, toward the end of stimulating private contributions, have my full support and are intended to improve and advance the state's role in economic development.

This budget recognizes vacation travel is a key element in the state's overall economy in all respects. My support in this area is based upon shared responsibilities with the private sector and is designed to stimulate a cooperative working relationship between our state agencies and private business.

In the area of industrial development we have designed our programs within the budget to expand assistance to New Hampshire businesses so equity and debt financing may be more readily available for assisting businesses in a position to expand and for those new businesses which are in a position to locate in areas of persistent high unemployment. Our proposed budget in this critical state role of business development is sound and realistic.

We intend to coordinate the job development activities of the state to more effectively focus on the variations of needs

in different areas of the state as well as to address needs created by evolutions within the trades and the development of needs for newer job skills. The new federal job training act and the federal funds through that program will be coordinated to achieve the most effective economic development.

This budget supports funding of the vocational technical colleges and technical institutes so they may maintain their ability to provide needed training for New Hampshire youth and adults to develop the skills necessary to become employed by the private sector.

The budget supports continued maintenance of a strong high school regional vocational education program with support for tuition and transportation as well as development of regional facilities.

Funds are being provided to assure continued operation of the federal school lunch program which supports public school and other institution lunch programs. This budget reflects support for the continued operation of the Commission on the Arts and its effort to assist schools and communities throughout the state and of greater recognition of the importance of art in our society.

This budget supports continued emphasis on serving special needs and handicapped individuals so they may retain their full potential through vocational rehabilitation and special education programs.

I have noted elsewhere in this budget the superb cooperation received by department heads in the review of priorities and allocation of resources to develop this budget. I am sad to say the one area in which full cooperation was lacking was in the development of the budget for the University System of New Hampshire.

It was extremely difficult, if not impossible, on the basis of the information provided, to make a comparison of priorities between other departments of state government and the University.

However, I continue to support the concept of a strong quality program of university education in the state of New Hampshire. Thus, this budget has not reduced the 1984 funding to the University from the levels of 1983. Furthermore, it provides an increase in funding for the year 1985.

Although we clearly do have problems in communication, coordination and management review, I will continue to work with the Legislature to establish a productive relationship with the University. It is my hope the system will recognize it is in its long-term best interest to close the communications gap which has evolved over the past few years and accept a closer, more effective process of oversight and management review from both the Legislative and Executive Branches.

There are some specific considerations in the budget which deal with the revenue side.

The budget estimates the 1984 general fund revenue will be \$348.5 million, an increase of 9% over 1983, and the 1985 general fund revenue will be \$363.8 million, an increase of 4% over 1984.

The following changes are recommended in order to achieve these revenue amounts.

Extend the current business profits tax surcharge of 13.5% for two more years.

Speed up the collection of the business profits tax to coincide with recent changes in federal tax law so that 90% of the tax due is payable in the year due.

Eliminate the redundant tax credits for insurance companies and savings banks. Currently, such institutions are allowed a tax deduction and a tax credit which is essentially a double deduction.

Change the collection of rooms and meals taxes to monthly instead of quarterly.

Furthermore, the budget includes recommendations to assure an increase in the Liquor Commission revenue in 1984 and 1985 over 1983 levels.

Thus the budget recommends a 5% decrease in the liquor discount available to retail outlets and an additional 5% reduction if the wine is picked up at the store rather than the warehouse.

The budget recommends an increase in the amount of advertising funds available to the Commission.

The budget expedites the use of current retail systems technology, such as price scanners at the checkout counters, to allow faster customer throughput in the stores.

The revenue estimates also assume a change in the wording of the telephone tax so amounts can be assessed consistent with actual past practice that was found not to be in accordance with the existing law and, which in 1983, resulted in a \$3.3 million decrease in revenue.

It should also be noted, although it makes no net impact, Board and Care revenues have been reduced approximately \$13 million over the biennium due to an accounting change. It has been the past practice to have the Department of Welfare provide for the state portion of reimbursable costs at the state institutions and show the payment of such costs as general fund revenue. We have discontinued this practice, thus reducing both revenues and appropriations in 1984-1985 as compared to prior periods. This change more accurately states true revenues and expenses.

This budget includes limited bonding to address some expenditures that otherwise would have been leased or financed by higher interest rate short-term debt.

Currently the liquor inventory of over \$20 million is financed by short-term debt. I am recommending we replace the short-term debt with five-year bonds and make the financing the obligation of the liquor commission rather than the general fund. This change will allow us to finance the inventory at a cheaper rate and will also allow us to reduce the debt obligation of the general fund.

The budget includes \$400,000 of bonded debt to allow the Fish and Game Department to purchase a computer and capital equipment.

The budget requested \$1.5 million in hazardous waste fund bonds. This amount will be used for the state match requirements in order to get \$15 million federal Super Fund cleanup dollars.

The budget presented to you today is a very comprehensive proposal. In fact, we already are aware of at least two areas where the budget as first printed must be revised slightly to reflect my budget requirements and decisions. Appropriate corrections will be provided as soon as possible.

It is going to require discipline to solve our current fiscal problems. It also requires a willingness and commitment to reassess the role of government and to consider whether every service or program offered is truly essential. It requires this examination not only at the state level, but at the county and local levels as well.

It is now incumbent upon each community to actively pursue a complementary review of their fiscal management policies to accomplish our mutual objectives.

My Democratic predecessor, in his last budget message, noted in part, "Too many people in our state and nation have come to assume that government is the answer to all problems and that Government's answer should always be simply to spend more....All programs, all interest must share in budget reductions if we are truly going to regain control of government spending...we cannot control taxation, we cannot control government spending if only one level of government is willing to adjust and live within its means."

We must address the needs of the state by cooperating at all levels of government, but in particular, I need your help, your support.

I do realize that, although I stand before you as a Republican governor, success of this economic program for progress requires the support of responsible Democrats as well as my fellow Republicans. I am aware there are those who for narrow, partisan, political considerations will feel obliged to criticize as a matter of course, or who as a matter of political expediency will deliver the expected demagogic denunciations.

However, I know there will also be a number of dedicated, hard-working legislators, Democrats and Republicans alike, who will respond constructively to develop a sound fiscal program. To that responsible majority I commit my cooperation and assistance. Together we can return the State of New Hampshire to fiscal integrity and financial respect.

Thank you very much.

Rep. Rounds and Sen. Champagne moved that the Joint Convention arise.

Adopted.

HOUSE  
(Speaker in the Chair)

THREE LEGISLATIVE DAY EXTENSION GRANTED

HB 25, relative to protests of changes in zoning regulations.

Rep. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourn today it be to meet Thursday, February 17 at 1:00 p.m.

Adopted.

#### LATE SESSION

##### Third reading and final passage

HB 130-FN, relative to sunset review of the department of agriculture - office of commissioner.

HB 131-FN, relative to sunset review of the department of agriculture - meat inspection.

HB 132-FN, relative to sunset review of the department of agriculture - bureau of weights and measures.

HB 133-FN, relative to sunset review of the department of agriculture - bureau of markets.

HB 134-FN, relative to sunset review of the milk sanitation board.

HB 83-FN, crediting any damage monies obtained from damage to fish life, other aquatic life, wildlife or their habitat, to the fish and game fund.

HB 84, relative to the licensing for hunting and trapping wild birds and wild game.

HB 52, to eliminate the designation of dangerous sexual offender.

HB 31, establishing a penalty for a racing licensee's failure to submit certain required information on time.

HB 59, granting the Lake Sunapee Protective Association the right to maintain a third lighthouse on Lake Sunapee.

HB 62, to require the use of child passenger restraints in certain motor vehicles.

CACR 2, relating to the term of the governor. Providing that the term shall be 4 years.

CACR 3, relating to the date on which the votes for councilors are laid before the senate and house of representatives. Providing that the votes be laid before the senate and the house of representatives on the first Wednesday following the first Tuesday in January.

HB 32-FN, relative to the suspension of penalty assessment payments to the police standards and training fund.

HB 34-FN, providing for a single annual motor vehicle inspection and changing the inspection sticker fee.

Rep. French offered the following:

#### HOUSE RESOLUTION NO. 19

memorializing Representative  
Eben B. Bartlett, Jr.  
of Brookline.

WHEREAS, we have learned with sorrow of the death of Representative Eben B. Bartlett of Brookline, and

WHEREAS, Eben B. Bartlett had a long and distinguished career in the U.S. Army serving from 1936 until 1963 attaining the rank of Colonel, and

WHEREAS, Eben B. Bartlett's record of public service to the citizens of the town of Brookline is exemplary as he has held both offices of Selectman and Treasurer, and

WHEREAS, Eben B. Bartlett was active in many local fraternal organizations and served as the Chapter Commander of the Association of Retired Officers, and

WHEREAS, Eben B. Bartlett was elected to the House of Representatives by the people of Hillsborough, District 16, on November 1, 1982, now therefore be it

RESOLVED, by the New Hampshire House of Representatives in Regular Session convened, that expressions of sympathy be extended to his wife, Ruth, and family and be it further

RESOLVED, that a suitable copy of this Resolution be prepared for presentation to his family.

Adopted unanimously by a rising vote of silent prayer.

The Rockingham County delegation offered the following:

#### HOUSE RESOLUTION NO. 20

memorializing former Representative  
Charles E. Cummings.

WHEREAS, we have learned with sorrow of the death of former Representative Charles E. Cummings, and

WHEREAS, Charles E. Cummings served in the State Legislature from 1962 to 1978 as a member of the House Standing Committee on Public Works, and

WHEREAS, during his many years of public service, Charles Cummings was a member of the State Public Works and Highways Budget Committee, the New Hampshire Education Capital Budget Committee; Chairman of the budget committees for the State Prison, Soldiers Home, the Aeronautics Department and the State Television Network, and

WHEREAS, Charles E. Cummings also served as a Land Damage Commissioner for the State Department of Public Works and Highways for 13 years, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that expressions of sympathy be extended to his wife, Myrna, and family, and be it further

RESOLVED, that a suitable copy of this Resolution be prepared for presentation to his family.

Adopted unanimously by a rising vote of silent prayer.

Rep. Rounds moved that the House stand in recess for the purpose of Introduction of Bills only.

Adopted.

The House recessed at 3:45 p.m.

RECESS



(Rep. Rounds in the Chair)

Rep. Parr offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 198 and 199, and 201 through 207, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 198-FN, relative to the proceeds from the sale of state property. (Cate of Merrimack Dist. 13; Bibbo of Merrimack Dist. 3; LaMott of Grafton Dist. 5; McLane of Dist. 15 - To Public Works)

HB 199, relative to the office of ombudsman. (Townsend of Sullivan Dist. 1; Boucher of Rockingham Dist. 23; Katsiaficas of Hillsborough Dist. 28; Bouchard of Strafford Dist. 8 - To Health and Welfare)

HB 201, relative to the training of dogs. (Therault of Coos Dist. 8; Dionne of Strafford Dist. 5 - To Fish and Game)

HB 202, establishing the ward lines for the city of Manchester and amending the Manchester city charter. (Arnold of Hillsborough Dist. 29; Podles of Dist. 16; Hynes of Hillsborough Dist. 29; Steiner of Hillsborough Dist. 29 - To Statutory Revision)

HB 203-FN, authorizing the town of Epping, with voter approval, to issue bonds to meet certain legal expenses and amending the establishment of authorized reserve funds. (Case of Rockingham Dist. 6; Sloan of Rockingham Dist. 6; Blake of Rockingham Dist. 6; Warburton of Rockingham Dist. 6; Spiro of Hillsborough Dist. 31; Johnson of Dist. 17 - To Municipal and County Government)

HB 204-FN, relative to licensing of health facilities. (Townsend of Sullivan Dist. 1; Katsiaficas of Hillsborough Dist. 28 - To Health and Welfare)

HB 205, requiring a lending institution to notify the mortgagor when selling the mortgage. (McIntire of Carroll Dist. 4 - To Commerce, Housing and Consumer Affairs)

HB 206, relative to the restoration of the covered bridge between Cornish, New Hampshire and Windsor, Vermont and making an appropriation therefor. (Blair of Grafton Dist. 8; Townsend of Sullivan Dist. 1 - To Public Works)

HB 207, making an appropriation to enable the New Hampshire hospital to purchase electrical power. (LaMott of Grafton Dist. 5; Bibbo of Merrimack Dist. 3 - To Public Works)

#### RECESS

(Speaker Pro Tem in the Chair)

Rep. Powers offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 208 through 216, and Concurrent Resolution Proposing

Constitutional Amendment numbered 6, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF HOUSE BILLS AND CACR

First, second reading and referral

HB 208, relative to generic drug substitution. (MacDonald of Rockingham Dist. 26; Kozacka of Rockingham Dist. 13; Splaine of Dist. 24 - To Health and Welfare)

HB 209, relative to repairs to the state house and railroad line improvements. (LaMott of Grafton Dist. 5; Bibbo of Merrimack Dist. 3; Carswell of Dist. 9; White of Dist. 11 - To Public Works)

HB 210-FN, ensuring retirement benefits for police officers who become director or field representatives for the police standards and training council. (Eaton of Cheshire Dist. 4 - To Executive Departments and Administration)

HB 211, requiring school buses to remain stopped at railroad crossings until an approaching train has passed and signals have stopped flashing. (Eaton of Cheshire of Dist. 4 - To Transportation)

HB 212-FN, relative to signs for handicapped parking. (Lyons of Hillsborough Dist. 22 - To Transportation)

HB 213-FN, eliminating the requirement that payments be made on a quarterly basis for community mental health programs. (McDonnell of Merrimack Dist. 16 - To Health and Welfare)

HB 214, authorizing a feasibility study for connecting I-393 with the Spaulding turnpike and making an appropriation therefor. (Bibbo of Merrimack Dist. 3; LaMott of Grafton Dist. 5 - To Public Works)

HB 215, relative to driving after suspension or revocation. (Perkins of Cheshire Dist. 9 - To Transportation)

HB 216-FN, relative to appropriations for agriculture preservation and making an appropriation therefor. (Campbell of Rockingham Dist. 20; Greene of Rockingham Dist. 18 - To Environment and Agriculture)

CACR 6, relating to compensation of the legislature. Providing that compensation to all members of the general court for both regular and special sessions be increased. (Newman of Rockingham Dist. 24; Downing of Grafton Dist. 11; Splaine of Dist. 24 - To Constitutional Revision)

(Speaker in the Chair)

#### RECESS

Rep. Rounds moved that the House adjourn. Adopted.



# HOUSE JOURNAL 7

*Thursday, 17Feb83*

The House assembled at 1:00 p.m., and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

To You dear God, who are the author of the only perfect law, we turn for instruction and direction in the ways of our work. Increase our sense of humor when we are accused of working only one afternoon a week. Improve our sense of balance when we are told we seek self interests and have omitted others' interests. Enlarge our humbleness when we are tempted to act as gods fixing up all the ills of our society. Help us to turn our attention each day to Your laws and statutes that we might be enlightened and revived for our lawmaking. In the study of your perfect law, dear God, make us wise and give us joy and pleasure in living. Let the burden of our work be lifted because we work with Thee. In Jesus Name we pray. Amen.

Rep. Duprey led the Pledge of Allegiance.

The Speaker introduced The New Hampshire Gentlemen, a group of University of New Hampshire students who gave a brief concert.

## LEAVES OF ABSENCE

Reps. Palmer, Stimmell, Zimmerman, Waldron, Pevear, Cutting, LoFranco, Howard, Brideau, Walter Robinson, Stevens, George Hawkins, Connors, McGlynn and Chambers, the day, illness.

Reps. Romoli, Beliveau, Roland Lemire, Kaklamanos, Vartanian, Kenneth MacDonald, Jean, Calloway, Kennedy, Musler, Flynn, William Dion, Wagner and Susan Lawrence, the day, important business.

Rep. Tufts, the day, death in the family.

## INTRODUCTION OF GUESTS

James Sullivan, brother of Rep. William Sullivan; former Rep. Carl Gage and his fiancée Nina Bickell, guests of Rep. Thomas Gage; Frederick Todd, guest of Rep. Steiner; Wendy Hast and Helenore Cosselin, guests of Rep. Spirou; Mr. Ray O'Brien's 6th grade class from the John Fuller School, guests of Reps. Murphy and Ashnault; Robert Bradner, guest of Rep. Downing; John Olofsson, guest of Reps. Belhumeur and Hennessey; Jay Murphy and Geoff Willard, son and guest of Rep. Murphy.

The Speaker introduced Sen. Ernest F. Hollings and his wife Peatsy of South Carolina. Sen. Hollings addressed the House briefly.

## THREE LEGISLATIVE DAY EXTENSIONS GRANTED

HB 33-FN, permitting electronic gaming machines at certain approved facilities and making an appropriation therefor.

HB 35-FN, requiring notification of status to delinquent permittees.

HB 37-FN, limiting the area of operation for the housing finance agency.

HB 46, relative to the sealing and sale of skins.

HB 48, permitting the department of fish and game to expend funds received under the Pitman-Robertson Act on endangered species.

HB 49, relative to certain fish and game licenses for persons 68 years of age or older and blind persons.

## SENATE MESSAGE REQUESTS CONCURRENCE

SB 8, relative to large town water pollution grants.

SB 9, relative to the penalty for killing dogs.

SB 19, establishing the Hampton Leased Land Real Estate Commission.

Rep. Rounds moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted. Adopted.

## COMMITTEE REPORTS (Consent Calendar)

HB 38, to increase the locations at which military personnel may purchase hunting and fishing licenses. Ought to Pass with Amendment.

The bill expands the number of locations where military personnel may purchase fishing and hunting licenses within the state. Vote 14-0. Rep. Milton A. Cate for Fish and Game.

## Amendment

Amend RSA 214:4 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

214:4 --Military Personnel. Military personnel and their dependents permanently stationed at military bases within the state are eligible to purchase hunting and fishing licenses at the same fee as is charged a legal resident of the state. These licenses are to be issued at military installations within the state or from the fish and game department headquarters and 3 other issuing agencies as may be designated by the executive director.

HB 50, relative to the issuance of archery license. Inexpedient to Legislate.

The present hunter safety course teaches some archery and could be expanded without this bill. Other states around us do not require a compulsory course. Vote 14-1. Rep. Milton A. Cate for Fish and Game.

HB 57, relative to the authority for regulating taking, inspection and processing of marine species. Ought to Pass with Amendment.

The bill gives the Director of Fish and Game the right to make rules regulating the taking and processing and inspection of marine species. Vote 14-0. Rep. Milton A. Cate for Fish and Game.

#### Amendment

Amend RSA 211:62 as inserted by section 1 of the bill by inserting after paragraph III the following new paragraph:

IV. Conservation officers shall have the authority granted to public health officers and agents under RSA 143:4; RSA 143:23 through 28; and RSA 146:20, for the purpose of enforcing laws and rules pertaining to marine species.

HB 87, raising the fee for fur-trapping and fur-buying. Inexpedient to Legislate. Price of fur has been very low, so it is not a good time to increase the fee. Vote 14-0. Rep. Milton A. Cate for Fish and Game.

HB 94-FN, providing a fee for each piece of fur sealed by the department of fish and game. Inexpedient to Legislate.

This bill would alienate the trappers of this state. The Fish and Game Department stands to lose more revenue than the projected gain. They would also lose the present use of free labor by the trappers, which is at the disposal of the Fish and Game Department. Vote 10-1. Rep. Gerald R. Smith for Fish and Game.

HB 47, relative to the destruction, unlawful movement or defacement of boundary markers on real property. Ought to Pass with Amendment.

This bill prohibits the movement of boundary markers. Any person who knowingly defaces or moves any boundary marker will be guilty of a misdemeanor. The bill, as amended, incorporates provisions of HB 20, relative to common boundary walls and fences. Vote 18-0. Rep. Thomas U. Gage for Judiciary.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Statement of Intent. The intent of this bill is to keep bounds intact and protect boundaries and boundary markers, including stone walls.

2 Penalty for Removing or Altering Boundary Markers. Amend RSA 472 by inserting after section 5 the following new section:

RSA 472:6 Removing or Altering Boundary Markers.

I. Any person who purposely commits or causes to be committed any of the following acts with regard to a boundary marker knowing it to be a boundary marker shall be guilty of a misdemeanor:

defacement, alteration of location, or removal of a stone wall or monument, or a mark on a tree, made for the purpose of designating a point, course or line in the boundary of a tract of land or in the dividing line between towns.

II. The provisions of paragraph I shall not apply when a boundary marker is moved pursuant to:

(a) Mutual agreement between all landowners whose property lines are affected by the moving of the boundary, or

(b) Authorization by government officials in order to more accurately place the boundary, or

(c) A finally adjudicated court order or decree, or

(d) A law that requires or allows the movement or alteration.

3 Effective Date. This act shall take effect 60 days after its passage.

HB 79, relative to the duties of administrators and executors. Inexpedient to Legislate.

The Committee felt there was nothing to be gained by filing a death certificate as the information contained in it is already in the probate records or is readily available elsewhere. Vote 15-1. Rep. Frank J. Sylvia for Judiciary.

HB 139-FN, relative to sunset review of the board of probation - crime commission grant. Inexpedient to Legislate.

The PAU for the Board of Probation - Crime Commission grant is unnecessary. Federal funding is no longer available for this purpose and there is no program to review. Vote 16-0. Rep. Kendall W. Lane for Judiciary.

HB 140-FN, relative to sunset review of the board of probation - domestic relations and collections. Inexpedient to Legislate.

This PAU for the Board of Probation - Domestic Relations and Collections, is unnecessary. This function has been transferred to the Department of Health and Welfare and the program will be reviewed with that department. Vote 16-0. Rep. Kendall W. Lane for Judiciary.

HB 143-FN, relative to sunset review of the parole board - crime commission grant. Inexpedient to Legislate.

The PAU for the Parole Board - Crime Commission Grant is unnecessary. Federal funding is no longer available for this purpose and there is no program to review. Vote 16-0. Rep. Kendall W. Lane for Judiciary.

HB 165-FN, extending workmen's compensation coverage to certain household employees. Ought to Pass with Amendment

This is a housekeeping measure relative to improved functions of the law regarding workmen's compensation coverage for household employees. This bill eliminates the previous limitation on workmen's compensation coverage for household employees not covered by the

federal Social Security Act. Amendment makes the effective date upon passage. Vote 16-0. Rep. Frank J. Reidy for Labor, Human Resources and Rehabilitation.

#### Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Effective Date. This act shall take effect upon its passage.

HB 16-FN, providing an American flag for each legislative committee hearing room and making an appropriation therefor. Inexpedient to Legislate.

The bill is no longer necessary, inasmuch as an anonymous donor has provided funds for a suitable American flag for each House and Senate hearing room. Vote 12-0. Rep. Richardson D. Benton for Legislative Administration.

HB 42, clarifying the need to vote by ballot on certain questions. Ought to Pass. This bill gives an exact count of votes cast for bond issues which is required by the Department of Revenue Administration and bonding companies, to be sure a 2/3 vote is actually received. Vote 15-0. Rep. Frank E. McIntire for Municipal and County Government.

HB 56, to legalize the 1981 and 1982 annual town meetings of the town of Pelham. Inexpedient to Legislate.

Upon advice of Commissioner Price of the Department of Revenue Administration in a letter to the Chairman of the Committee dated January 28, 1983, action of the town is not currently statutorily authorized. Vote 15-0. Rep. Alf E. Jacobson for Municipal and County Government.

HB 67-FN, exempting real and personal property of granges from taxation. Ought to Pass with Amendment.

The Committee feels that the spirit of the Grange should be kept alive in this state and, therefore, should be assisted by a property tax exemption. Vote 14-1. Rep. Eugene W. Clark for Municipal and County Government.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

exempting real and personal property of Granges from taxation.

Amend RSA 72:23-h as inserted by section 1 of the bill by striking out same and inserting in place thereof the following: 72:23-h Granges. The real estate and personal property owned by Granges which are incorporated in this state shall be exempt

from property taxes. If such property is rented for business purposes, the real estate shall not be exempt.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Annual List. Amend RSA 72:23-c (supp) as inserted by 1957, 202:4 as amended by inserting in line 2 after the words "charitable organization" the following (, Grange,) so that said section as amended shall read as follows:

72:23-c Annual List. Every religious, educational and charitable organization, Grange, and the Grand Army of the Republic, the United Spanish War Veterans, Veterans of Foreign Wars, the American Legion, the Disabled American Veterans, the American National Red Cross and any other national veterans association shall annually, on or before April 15, file a list of all real estate and personal property owned by them on which exemption from taxation is claimed, upon a form prescribed and provided by the commissioner of revenue administration, with the selectmen or assessors of the place where such real estate and personal property are taxable. A copy of such list shall at the same time be filed with the commissioner, which shall be a public record. If any such organization or corporation shall wilfully neglect or refuse to file such list upon request therefor, the selectmen may deny the exemption.

HB 72-FN, to allow counties to set up trust funds. Ought to Pass with Amendment. This bill permits counties to hold in trust gifts and legacies which are made to them for the benefit of county facilities and specifies the manner in which the trusts are to be administered. Vote 15-0. Rep. George S. Lamprey for Municipal and County Government.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 County Trust Funds. Amend RSA 23 by inserting after section 12 the following new sections:

#### 23:13 Trust Funds.

I. Counties may take and hold in trust gifts, legacies and devises made to them for the establishment, maintenance and care of any county facility, and for any other public purpose that is not foreign to their institution or incompatible with the objects of their organization.

II. As used in this section, "gifts" shall include money generated by volunteers for a specific county purpose as well as direct donations.

23:14 Trustees. All trusts held by a county shall be administered by a board of 3 trustees. The members of the board of trustees for a county shall be the county treasurer, one county commissioner to be chosen by the commissioners from among their number, and one member of the county convention to be appointed by the chairman of the county convention. The trustees shall elect one of their number hookkeeper.

The bookkeeper shall keep the records and books of the trustees, and shall require a voucher before making any disbursement of funds from the trusts held by his county.

23:15 Expenses of Trustees. The expenses incurred by the trustees shall be paid by the county and shall be charged to the county as administrative expenses.

23:16 Custody: Investments.

I. The trustees shall have the custody of all trust funds held by their county.

II. The funds shall be invested only by deposit in some savings bank or in the savings department of a national bank or trust company in this state, or in shares of any building and loan association or co-operative bank, incorporated and doing business under the laws of this state, or in the shares of any federal savings and loan association, located and doing business in this state, or in bonds, notes or other obligations of the United States government, or in state, county, town, city, school district, water and sewer district bonds and the notes of towns or cities in this state; and such stocks and bonds as are legal for investment by New Hampshire savings banks and when so invested, the trustees shall not be liable for the loss thereof; and in any common trust fund established by the New Hampshire Charitable Fund in accordance with RSA 292:23. The trustees may retain investments as received from donors, until the maturity thereof.

III. Deposits in savings banks shall be made in the name of the county which holds the same in trust, and it shall appear upon the book thereof that the same is a trust fund.

23:17 Common Trust Funds. The trustees may establish, maintain and operate common trust funds as provided in RSA 31:27-30.

23:18 Expenditures. Expenditures of trust funds, or of the income from trust funds, shall be paid to agents of the county established to carry out the objects designated by the trusts. If there are no such agents, then the expenditures shall be made by the full board of trustees.

23:19 Audit and Publication of Reports of Trust Funds.

I. The accounts of the trust funds shall be audited annually by the commissioner of revenue administration or a licensed or certified public accountant. The securities shall be exhibited to the auditor, and he shall certify the facts found by his audit and the list of all securities held. The trustees shall submit to the auditor a detailed statement of the securities held by them, specify the particular trust to which the securities belong, and exhibit to the auditor a statement of all receipts and expenditures with proper vouchers.

II. An annual report of each trust fund, together with the auditor's report thereof, shall be published in the county report.

III. In a year in which a county accepts gifts, legacies and devises for any trust created, the trustees and auditor shall print the names of the donors and the value of such gifts, legacies and devises at

the time of donation in the annual county report.

23:20 Records. The trustees shall keep a record of all trusts in a record book, which shall be open to the inspection of all persons in their county.

23:21 Reports. A copy of the reports of trust funds and the auditor's reports which are required by RSA 23:19 shall be filed annually with the attorney general.

23:22 Professional Banking Assistance.

I. "Bank" as used in this section means a savings bank, national bank or trust company in this state, any building and loan association or cooperative bank, incorporated and doing business under the laws of this state or any federal savings and loan association located and doing business in this state.

II. Any trustee may hire or employ the trust department or departments of a bank or banks to assist in the management and investment of trust fund resources or to provide bookkeeping services in connection therewith or to do both. Trust fund records maintained by any bank must be available at all times for examination by independent accountants or auditors retained by a county, or by the auditors of the department of revenue administration; and such records shall be county records and property.

2 Effective Date. This act shall take effect 60 days after its passage.

HB 156-FN, relative to sunset review of the department of resources and economic development - administration and support. Ought to Pass with Amendment.

The Committee found the Department of Resources and Economic Development - Administration and Support, which controls the actual operations of the Department, to be well-managed. The amendment centralizes rulemaking authority in the office of the Commissioner, repeals obsolete sections, and gives the State Historic Preservation Office responsibilities for historical markers. Vote 19-0. Rep. Phoebe A. Chardon for Resources, Recreation and Development.

#### Amendment

Amend section 3 of the bill by striking out same and inserting in place thereof the following:

#### 3 Repeal.

I. RSA 12-A:2-a, relative to print shop operation, is hereby repealed.

II. RSA 227-C:10, relative to state historic marker review council, is hereby repealed.

III. RSA 227-C:2, VI, relative to the definition of review council, is hereby repealed.

4 Rule Making Authority. Amend the introductory paragraph to RSA 227-C:5-a (supp) as inserted by 1981, 504:4 by striking out said paragraph and inserting in place thereof the following:

The commissioner of the department of resources and economic development shall adopt rules, pursuant to RSA 541-A, relative to:



5 Bureau of Marine Services. Amend RSA 12-A by inserting after section 7 the following new section:

12-A:7-a Bureau of Marine Services. There is hereby established in the department of resources and economic development, a bureau of marine services, which shall have the responsibility for and jurisdiction over state owned commercial fishing piers and facilities.

6 Powers and Duties of State Historic Preservation Office. Amend RSA 227-C:5 by inserting after paragraph XII the following new paragraph:

XIII. Consider proposals to erect highway historical markers under RSA 236:41. No such marker shall be put in place without office approval. The office shall make cooperative agreements with towns and historical organizations to place historical markers under RSA 236:44.

7 Historic Markers. Amend RSA 236:41 as inserted by 1981, 87:1 as amended by striking out said section and inserting in place thereof the following:

236:41 Historic Preservation Office. The state historic preservation office established under RSA 227-C shall consult with the commissioner of public works and highways on the marker program. Before placing any marker, the commissioner shall secure the state historic preservation offices approval of the marker, its location and its wording. The state historic preservation office shall make any investigation needed to obtain information on the event to be commemorated and on the appropriate location for the marker, including consulting historians and holding public hearings.

8 Cooperative Markers. Amend RSA 236:44 as inserted by 1981, 87:1 as amended by striking out said section and inserting in place thereof the following:

236:44 Cooperative Markers. The state historic preservation office may enter into cooperative agreements with any town, city, or historical society to place an historic marker within the right-of-way of any class IV or V highway. The agreement shall provide for reasonable sharing of the initial expense and for the town, city or society to maintain and care for the marker.

9 Existing Agreements. Any cooperative agreements between any town, city or historical society and the state historic marker review council made pursuant to RSA 236:44, are hereby legalized, ratified and confirmed. All such agreements shall now be considered to have been made by the state historic preservation office. Whenever reference is made in the law to the state historic council it shall from now forward be construed to mean the state historic preservation office.

10 Duties of Commissioner. Amend the introductory paragraph to RSA 12-A:21 (supp) as inserted by 1979, 253:2 by striking out said paragraph and inserting in place thereof the following:

The commissioner of resources and economic development is hereby authorized to establish a therapeutic recreation services program to serve the following purposes:

11 Rulemaking. Amend RSA 215-A by inserting after section 3 the following new section:

215-A:3-a Rulemaking. The commissioner of the department of resources and economic development, as a member of the bureau of off highway recreational vehicles, shall adopt rules under RSA 541-A relative to:

I. The production of publications relating to OHRV trail information, under RSA 215-A:3, II.; and

II. The use and control of OHRV trails, facilities and lands under bureau control or lease, to be printed in guide books, published and posted at proper locations throughout the bureau trail system.

12 Bureau Responsibilities. Amend RSA 215-A:3, V (supp) as inserted by 1981, 538:3 by striking out said paragraph and inserting in place thereof the following:

V. The chief supervisor of the bureau in the interest of safety may make suggestions concerning RSA 215-A:3-a, such rules he feels may be necessary for the use and control of OHRV trails, facilities and lands under bureau control or lease to the commissioner of the department of resources and economic development. The commissioner may adopt such suggestions as rules as provided in RSA 215-A:3-a. A person who fails to observe rules adopted under RSA 215-A:3-a shall be subject to the same penalties provided for other sections of this chapter.

13 Rulemaking. Amend RSA 12-A by inserting after section 2-b the following new section:

12-A:2-c Rulemaking.

I. The commissioner shall adopt rules under RSA 541-A governing use by the public of state forests, parks, or any other land or buildings operated by the department of resources and economic development. This shall include, but not be limited to, the commissioners responsibilities under RSA 216 and 219.

II. Such rules shall include, but not be limited to:

(a) Conduct of persons using the property, including prohibitions or restrictions on use or transportation of any substances, articles, or other matter.

(b) Use of boats or other vehicles, including, but not limited to, restrictions on parking, speed, size or method of propulsion.

(c) Fees for parking, lodging, or other services.

III. If so specified in any rule, persons violating that rule may be evicted from the property and shall be guilty of a misdemeanor.

14 Rulemaking. Amend RSA 218:5, III (supp) as amended by striking out said paragraph and inserting in place thereof the following:

III. The commissioner of the department of resources and economic development shall adopt rules under RSA 541-A relative to:

(a) The protection of forests and lands;

(b) The improvement of forests and lands; and

(c) The extension of forests and lands.



15 Rulemaking. Amend RSA 224 by inserting after section 52 the following new subdivision:

Miscellaneous

224:53 Rulemaking. The commissioner of the department of resources and economic development shall adopt rules under RSA 541-A relative to:

I. The preparation and issuance of burning permits, required by RSA 224:27 (b)

II. The burning of camp or cooking fires, required by RSA 224:29; and

III. The cutting of timber, required by RSA 224:44-a.

16 Rulemaking. Amend RSA 224-A:5 (supp) as inserted by 1977, 288:1 by striking out said section and inserting in place thereof the following:

224-A:5 Rulemaking. The commissioner of the department of resources and economic development shall adopt rules under RSA 541-A relative to:

I. The operation of wood processing mills;

II. The removal of slash of wood processing mills;

III. The storage of flammable materials for wood processing mills;

IV. The location of wood processing mill sawdust and bank piles and incinerators;

V. The maintenance of certain fire equipment at wood processing mills;

VI. Any other protective measures regarding wood processing mill operations.

17 Repeal. The following are hereby repealed:

I. RSA 224:44-a, III, relative to director of division of forest and lands making rules.

II. RSA 216:6, relative to transfer of functions of former superintendent of state buildings.

III. RSA 216:3-a, relative to fees and charges for use of state forests.

IV. RSA 219:7, relative to rules for state forest and reservations.

V. RSA 219:8-a, relative to the regulation of motors.

VI. RSA 219:12, relative to fees for service and accommodations.

18 Permits. Amend RSA 224:27 (b), as amended by striking out said paragraph and inserting in place thereof the following:

(b) No person, firm or corporation shall kindle or cause to be kindled any fire or shall burn or cause to be burned any material, and no city or town shall kindle or maintain a fire on a public dump, in or near woodlands, pasture, brush, sprout, waste, or cut-over land, or where fire may be communicated to such land, except when the ground is covered with snow, without first obtaining a written permit from the forest fire warden of the town where the burning is to be done unless the same is in the presence of the warden or his agent.

19 Campfires. Amend RSA 224:29 (supp) as amended by striking out said section and inserting in place thereof the following:

224:29 Campfires. Camp or cooking fires may be kindled only with written permission of the landowner or his agent and

written permission of the forest fire warden of the town in which the fire is to be kindled and only at suitable times and in suitable places when said fire will not endanger woodlands as described in RSA 207:33; except in such towns as have adopted bylaws or regulations equally as stringent as provided herein and further provided that camp or cooking fires may be built without written permission on public camp or picnic grounds when such areas are open for public use or private camp and picnic places where suitable fireplaces approved by the forest fire warden are provided for the same. As used herein a camp or cooking fire shall be a small fire suitable for cooking purposes used in connection with a camp, picnic or lunch purposes and does not include the burning of household rubbish, or large amounts of brush or other flammable material. Whoever shall kindle or cause to be kindled any such fire or use an abandoned fire in or near woodlands shall totally extinguish the same before leaving it and, upon failure to do so, such person or persons shall be subject to the same liabilities and penalties as are prescribed in RSA 224:28 and 36.

20 Travel Promotion. Amend 1981, 568:157 by striking out said section and inserting in place thereof the following:

568:157 Travel Promotion. Notwithstanding any other provision of law, the sum of \$348,560 for fiscal year 1982 and a like sum for fiscal year 1983 approximated in PAU 03,03,03 (resources and economic development, economic development) in section 1 of this act shall be and hereby is reserved to be expended for grants for advertising programs entered into with independent groups or organizations which are designed to promote travel and tourism in the state of New Hampshire. The funds shall be expended provided that 50% matching funds are paid from private sources. Such grants shall be given only to regional associations, statewide tourist groups or chambers of commerce that have been in existence at least 3 years. Grants applications shall be screened by a select committee appointed by the New Hampshire travel council, inc., made up of 7 of their members who shall be representatives of a chamber of commerce, regional association, ski area, attraction, campground and lodging. After consultation with the select committee, the commissioner of resources and economic development shall adopt rules under RSA 541-A for the operation of the program. This committee shall make recommendations on grant applications to the director of the office of vacation travel. Rejection of a recommended grant application by the director shall show proper cause. Grants shall not be used for administrative salaries or overhead expenses of any applicant selected for a grant. The funds hereby reserved shall not be transferred or expended for any other purpose.

21 Effective Date. This act shall take effect upon its passage.

Referred to Appropriations.

HB 177, to amend the charter of St. Paul's School. Ought to Pass.

Allows St. Paul's School to increase number of members without coming to the Legislature. Vote 8-0. Rep. Eleanor H. Stark for Statutory Revision.

HB 82, to prohibit the wearing of headphones while operating a vehicle. Ought to Pass.

This bill calls attention to a problem which is causing more and more concern among many drivers. The Committee investigated many of the problems suggested by the terms of the bill and, after lengthy consideration, voted to recommend its passage. Vote 13-1. Rep. Irvin H. Gordon for Transportation.

#### COMMITTEE REPORTS (Regular Calendar)

HB 60-FN, concerning school administrative unit number 18. Ought to Pass with Amendment.

Since all concerned with the school administrative unit separation agreed at the time of the public hearing, and since the Commissioner of Education recommended separation based on all concerned meeting the Department of Education's own criteria for separation, the Education Committee feels that the bill should pass. Vote 14-2. Rep. William P. Boucher for Education.

Rep. Randall spoke to the committee report.

Rep. Daniell moved that the words Inexpedient to Legislate, be substituted for the report of the committee, Ought to Pass, and spoke to his motion.

Rep. William Boucher spoke against the motion.

Motion lost.

#### Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Effective Date. This act shall take effect July 1, 1984.

Question being on the Committee amendment.

Amendment adopted.

Ordered to third reading.

HB 85, requiring certain hunters to wear hunter orange. Inexpedient to Legislate. This bill requires only hunters to wear hunter orange which would make it much more dangerous for others in the woods. Vote 8-7. Rep. Milton A. Cate for Fish and Game.

Rep. Cate moved that HB 85 be recommitted to the Committee on Fish and Game and spoke to his motion. Adopted.

HB 96-FN, relative to special plates for former prisoners of war. Ought to Pass. The Committee decided that the sacrifices made by prisoners of war

while in service to their country entitled them to special recognition. Testimony revealed that 32 other states recognize ex-POWs with special license plates. Vote 9-5. Rep. K. Michael Tavitian for Transportation.

Referred to Appropriations.

#### SUSPENSION OF RULES

Reps. Rounds and Spiro moved that the Rules be so far suspended as to permit consideration at the present time of HCR 4, adopting Joint Rules for the 1983 session, without notice in the Calendar and to make the appropriate changes in the House Rules to reflect the changes in the Joint Rules.

Adopted by the necessary two-thirds.

Question being on the adoption of HCR 4, as amended and to make the appropriate changes in the House Rules to reflect the changes in the Joint Rules.

#### Amendments to Joint Rules

Amend Joint Rule 6 by striking out said rule and inserting in place thereof the following:

6. Every bill repealing or modifying any act or statute shall refer to the same: (a) if contained in the Revised Statutes Annotated by the section and chapter thereof and if the 1955 adopted Revised Statutes Annotated has been amended by stating "as amended": (b) if not contained in the Revised Statutes Annotated by the section and chapter and the session of the legislature when the same was passed expressed in words clearly with full reference to all amendments in sequence so that it shall not be necessary to refer to any other act or statute to ascertain the meaning thereof. The title of every bill shall indicate, in brief and comprehensive form, the subject matter contained in the bill. Commencing with section 2 thereof each section of the Operating Budget bill shall be annotated as to its source (i.e. Governor, House or Senate) and as to substantive amendments to such section. Such annotations shall be provided by the Legislative Budget Assistant and shall appear at the end of the actual section to which they apply. It shall be the duty of the presiding officer of each body of the legislature to require all such bills to be made in conformity with this rule, before putting any vote thereon, except to commit or amend.

Amend Joint Rule 20 by striking out paragraph (e) and inserting in place thereof the following:

(e) Conference Committees on Budget Bills. The report of each committee of conference on either the general appropriation bill, or the capital improvements bill shall be printed in the journal or a supplement thereto of the appropriate body before action on said report is taken on the floor. Non-germane amendments, sections and footnotes to such

bills (except footnotes in explanation of the principal text of such bills or designating the use or restriction of any funds or portions thereof) are prohibited and shall not be allowed under any circumstances. Notwithstanding the general provisions of paragraph (h) of this section, the Conference Committee on general appropriations bill may propose new items for inclusion in said bill but no such item may be so included unless and until it shall have been returned to both the Senate and the House and adopted in identical form by a majority vote in each body.

Amend Joint Rule 10(a)(1)) by striking out in said paragraph (April 30) and inserting in place thereof (April 28).

Amend Joint Rule 10(a)(2)) by striking out in said paragraph (May 7) and inserting in place thereof (May 3).

Amend Joint Rule 10(a)(3)) by striking out in said paragraph (April 23) and inserting in place thereof (April 21).

Amend Joint Rule 10(b)(1)) by striking out in said paragraph (May 28) and inserting in place thereof (May 26).

Amend Joint Rule 10(b)(2)) by striking out in said paragraph (June 8) and inserting in place thereof (June 6).

Amend Joint Rule 10(b)(3)) by striking out in said paragraph (June 4) and inserting in place thereof (June 2).

Amend Joint Rule 10(c) by striking out in said paragraph (June 18) and (June 17) and inserting in place thereof (June 16) and (June 15).

Amend Joint Rule 10(c)(1)) by striking out in said paragraph (June 13) and (June 15) and inserting in place thereof (June 11) and (June 13).

Amend Joint Rule 10(d) by striking out in said paragraph (June 19) and (June 18) and inserting in place thereof (June 17) and (June 16).

Amend Joint Rule 12 by striking out in said paragraph (April 9) and inserting in place thereof (April 7).

Amend Joint Rule 19 by striking out in said paragraph (April 16) and inserting in place thereof (April 14).

#### Amendments to House Rules

(a) It shall be the duty of the Committee on Appropriations to examine and take into consideration the state of the treasury; to consider the budget, subjects concerning the financial interests of the state, all measures carrying appropriations of state money (except claims against the state), and such other matters as may be referred to it. Prior to its report to the House, the Committee on Appropriations may refer the budget of certain self-sustaining

state agencies to appropriate committees for study and recommendation.

The Committee shall submit to the House on or before April 26 a budget bill for the biennium which submits a balanced budget. The Committee shall work in close cooperation with Ways and Means in determining the state income available for budget purposes at mutually agreed periodic times. In addition, the Committee shall report to the House all other bills by the date established therefor by the Joint Rules. All bills in the possession of the Committee shall be reported out with one of the following recommendations: "ought to pass," "ought to pass with amendment," "recommended but to be laid on the table because not funded," or "inexpedient to legislate." Further provided that the Committee may submit to the House a supplemental budget bill which it believes to be in the best interest of the state.

#### (d) Operating Budget Briefings

(1) There shall be a detailed briefing on the general budget bill presented to the House membership at least two days before final action is taken in the House on such a bill and, in any event, not later than Tuesday, April 28.

Rep. Rounds explained the amendments and yielded to questions.

Reps. Spirow and French spoke in favor of the amendments.

Rep. William Russell moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 339 NAYS 7

YEAS 339

BELKNAP: Bastraw, Birch, Bolduc, Bowler, Dexter, Cary Dionne, French, Golden, Hardy, Robert Hawkins, Holbrook, Lamprey, Matthew Locke, Nighswander, Pearson, Randall, Sanders, David Whittemore and Zeckhausen.

CARROLL: Ashnault, Chase, Dickinson, Heath, Robert Holmes, Hraba, McIntire, Murphy, Powers and Saunders.

CHESHIRE: Barber, Boulter, Eugene Clark, Crane, Davis, Daniel Eaton, Gordon, Grodin, Hickey, Elmer Johnson, Lane, Matson, David Meader, Michaelides, Miller, Robert Moore, Morse, Parker, Perkins, Perry, Margaret Ramsay, William Riley, Scranton and William Sullivan.

COOS: Harold Burns, Chappell, Chardon, Coulombe, Guay, Horton, David King, Langley, George Lemire, Oleson, Pelletier, Theriault, Valliere and York.

GRAFTON: Blair, Christy, Copenhaver, Crory, Densmore, Downing, Driscoll, Duggan, Easton, Girouard, Harnish, Hutchings, Michael King, Wayne King, LaMott, Logan, Mann, McAvoy, Rounds, Stewart, Taffe, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Richard Ahern, Ahrens, Arnold, Arris, Baker, Bass, Bergeron, Bolan, Boutwell, Brack, Burkush, John Burns, Leslie Burns, Carragher, Charbonneau, Cote, Craig, Cronin, Crotty, Drewniak, Duffett, Dupont, Duprey, Durant, Joseph Eaton, Fields, Ford, Gagnon, Galway, Gelinas, Grasso, Grip, Harrington, Head, Daniel Healy, Hendrick, Thomas Hynes, Kashulines, Katsiaticas, Keefe, Robert Kelley, Evelyn King, Knight, Labombarde, Lamy, John Lawrence, Leclerc, Lefebvre, David Lemire, Levesque, Lynde, Lyons, Martineau, Howard Mason, Migneault, Morrisette, Nelson, Nickerson, Nute, O'Rourke, Parmenter, Marjorie Peters, Pressly, Quinn, Raiche, Peter Ramsey, Reidy, Resch, Robie, Ellen-Ann Robinson, Roy, Russell, Sallada, Silva, B. P. Smith, Leonard Smith, Soucy, Spirou, Steiner, Stylianos, James Sullivan, Mary Sullivan, Sylvia, Talbot, Tamposi, Turgeon, Vachon, Van Loan, John Wallace, Roger Wallace, Ware, Geraldine Watson, Harold Watson, Wells, Emma Wheeler, Kenneth Wheeler, Robert Wheeler, James J. White, Eleanor Whittemore, Winn, Lucille Wood and Zajdel.

MERRIMACK: Anderson, Bardsley, Bibbo, Laurent Boucher, Bowes, Cate, Chynoweth, Samuel Clark, Degan, Gross, Mary Holmes, Jacobson, Kidder, Kinhan, LaBranche, Lewis, Arthur Loc'e, McDonnell, Mercier, Nichols, Pannell, Parrish, Phelps, Doris Riley, Louise Roberts, William Roberts, Rogers, Savaria, Shepard, Gerald R. Smith, Stark, Stio, Lawrence Sullivan, Trombly, Underwood, Wallner and James Whittemore.

ROCKINGHAM: Ames, Bangs, Belanger, Benton, Blaisdell, Blake, Blanchard, Blanchette, William Boucher, Burdick, Butler, Campbell, Carpenito, Case, Cressy, Danderson, Day, Drake, Ellyson, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Greene, Hollingworth, John Hynes, Joslyn, Kane, Katsakiores, Keenan, Glenden Kelley, Roger King, Kozacka, Krasker, Leslie, Longworth, Lovejoy, Mace, Malcolm, Robert Mason, McLane, William Moore, Nagel, Nevins, Newell, Newman, Palumbo, Pantelakos, Popov, Quimby, Rosencrantz, Scamman, Schmidtchen, Schwamer, Simon, Skinner, Sloan, Sochalski, Splaine, Stork, Sytek, Tavitian, Walker, Webster and Woodward.

STRAFFORD: Appleby, Banks, Belhumeur, Bernard, Blouin, Bouchard, Chagnon, Chamberlin, Chisholm, Couture, Demers, Dingle, Albert Dionne, Donnelly, Hussey, Robert Jones, Joos, Kincaid, Lussier, Paul Meader, Pelley, Arnold Peters, Francis Robinson, Sackett, Schreiber, Gerald L. Smith, Timm, Franklin Torr, Ralph Torr and Whiting

SULLIVAN: Brodeur, Carlson, Converse, D'Amante, Flint, Gray, Ingram, Irwin, Paul Johnson, Quinlan, Renee and Townsend.

NAYS 7

BELKNAP: None.

CARROLL: None.

CHESHIRE: None.

COOS: None.

CRAFTON: None.

HILLSBOROUGH: Debora Ahern and Donovan.

MERRIMACK: Daniell and Maltais.

ROCKINGHAM: Sherburne and Warburton.

STRAFFORD: Fielding.

SULLIVAN: None, and HCR 4 as amended was adopted.

Rep. Cotton notified the Clerk that she wished to be recorded in favor of HCR 4.

Rep. Maltais notified the Clerk that he inadvertently voted nay and meant to vote yea.

The Strafford County Delegation offered the following:

#### HOUSE RESOLUTION NO. 21

memorializing former  
Representative Romeo St. Laurent.

WHEREAS, we have learned with sorrow of the death of Romeo St. Laurent, and

WHEREAS, a lifelong resident of Somersworth, Romeo St. Laurent served as a City Councilor in 1934 and 1935; Mayor from 1946 to 1953; City Clerk from 1962 to 1965; City School Board member for seven years; and Chairman of the City Chamber of Commerce, and

WHEREAS, Romeo St. Laurent also served the people of this state as a three-term member of the House of Representatives from 1937 to 1943; Chairman of both the Board of Park Commissioners and the Board of Water Commissioners; Chairman of the State and City Democratic Party from 1952 to 1953 and 1965, respectively; a member of the Association of New Hampshire Mayors, and a member of the State School Board Association's Executive Committee, and

WHEREAS, Romeo St. Laurent was a 33-year trustee for the Frisbie Memorial Hospital; Chairman of the Somersworth Nursing Association; Executive Director of the Strafford County Community Action Committee; Administrator of Community Programs for the Somersworth Housing Authority; Director for the Strafford Nutrition Project; member of the United States Selective Service System No. 9; the Veterans Re-employment Committee; and the 1946 War Records Committee, and

WHEREAS, it is generally regarded that Romeo St. Laurent's service and dedication to the people of Somersworth and the State was outstanding, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that expressions of sympathy be extended to his wife, Alice, and family, and be it further

RESOLVED, that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.



Reps. Spirou and Soucy offered the following:

#### HOUSE RESOLUTION NO. 22

memorializing former  
Representative Emile A. Marcoux.

WHEREAS, we have learned with sorrow of the death of former Representative Emile A. Marcoux, and

WHEREAS, "Pete" Marcoux served the people of Hillsborough County District 31 with distinction as their State Representative for two terms, and

WHEREAS, during his tenure in the New Hampshire House of Representatives, he was an honored member of the Standing Committee on Public Protection and Veterans Affairs, and

WHEREAS, Pete remained active in city government and also served as a member of the Board of Directors of the Manchester Mental Health Center, and

WHEREAS, his record of public service most certainly commands public recognition, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that expressions of sympathy be extended to his family, and be it further

RESOLVED, that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

Rep. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourn today it be to meet Tuesday, March 1, at 1:00 p.m.

Adopted.

#### LATE SESSION

##### Third reading and final passage

HB 38, to increase the locations at which military personnel may purchase hunting and fishing licenses.

HB 57, relative to the authority for regulating taking, inspection and processing of marine species.

HB 47, relative to the destruction, unlawful movement or defacement of boundary markers on real property.

HB 165-FN, extending workmen's compensation coverage to certain household employees.

HB 42, clarifying the need to vote by ballot on certain questions.

HB 67-FN, exempting real and personal property of Granges from taxation.

HB 72-FN, to allow counties to set up trust funds.

HB 177, to amend the charter of St. Paul's School.

HB 82, to prohibit the wearing of headphones while operating a vehicle.

HB 60-FN, concerning school administrative unit number 18.

#### PERSONAL PRIVILEGE

Reps. Sallada and Elmer Johnson addressed the House.

#### THREE LEGISLATIVE DAY EXTENSIONS GRANTED

HB 53, establishing the department of postsecondary vocational education.

Rep. Rounds moved that the House stand in recess for the purpose of Introduction of Bills only.

Adopted.

The House recessed at 2:50 p.m.

#### RECESS

(Speaker Pro Tem in Chair)

Reps. Wayne King and Russell offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 217 through 246, and Concurrent Resolution Proposing Constitutional Amendment number 7, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF HOUSE BILLS AND CACR First, second reading and referral

HB 217-FN, relative to forgivable loans to students pursuing postsecondary programs leading to certification as teachers of mathematics or science and making an appropriation therefor. (Taffe of Grafton Dist. 6; Scranton of Cheshire Dist. 16; Boucher of Rockingham Dist. 23; Krasker of Rockingham Dist. 25; Kaklamanos of Hillsborough Dist. 26; Kelly of Dist. 14 - To Education)

HB 218, relative to high school students as non-voting members of school boards. (Hutchings of Grafton Dist. 8; Fields of Hillsborough Dist. 13; King of Grafton Dist. 6 - To Education)

HB 219-FN, establishing the ward lines for the city of Portsmouth and amending the Portsmouth city charter. (Krasker of Rockingham Dist. 25; LoFranco of Rockingham Dist. 26; Newman of Rockingham Dist. 24; Hynes of Rockingham Dist. 26; MacDonald of Rockingham Dist. 26 - To Statutory Revision)

HB 220, allowing an exemption from attachable property for jewelry up to \$500 in value. (Sytek of Rockingham Dist. 20 - To Judiciary)

HB 221-FN, relative to boat permit fees. (King of Rockingham Dist. 4 - To Municipal and County Government)

HB 222-FN, to require the wearing of motorcycle helmets. (Copenhaver of Grafton Dist. 12; Craig of Hillsborough Dist. 3;



Bibbo of Merrimack Dist. 3 - To Transportation)

HB 223-FN, relative to communicable disease laboratory support services and making an appropriation therefor. (Copenhaver of Grafton Dist. 12; Nevins of Rockingham Dist. 3; Scranton of Cheshire Dist. 16; Carragher of Hillsborough Dist. 22; Head of Hillsborough Dist. 9 - To Health and Welfare)

HB 224-FN, amending the distribution of the state meals and room tax. (Dickinson of Carroll Dist. 2 - To Ways and Means)

HB 225-FN, relative to apple marketing. (Schmidtchen of Rockingham Dist. 23 - To Environment and Agriculture)

HB 226, prohibiting the release of any animal from any humane retaining facility for experimentation or vitasection purposes. (Trombly of Merrimack Dist. 4 - To Environment and Agriculture)

HB 227, prohibiting the sale of certain single cans or single bottles of beer by off-sale permittees. (Durant of Hillsborough Dist. 26 - To Regulated Revenues)

HB 228-FN, relative to the sweepstakes fund. (Burdick of Rockingham Dist. 7 - To Appropriations)

HB 229-FN, relative to hunting and fishing guides and license fees pertaining thereto. (Heath of Carroll Dist. 4 - To Fish and Game)

HB 230-FN, making participation in the wildlife management collection program mandatory. (Heath of Carroll Dist. 4 - To Fish and Game)

HB 231-FN, appropriating money to the department of agriculture. (Schmidtchen of Rockingham Dist. 23 - To Appropriations)

HB 232-FN, authorizing the transfer of boat registration fees previously collected to the dam maintenance fund. (Bardsley of Merrimack Dist. 1; Freese of Dist. 4 - To Resources, Recreation and Development)

HB 233-FN, relative to the licenses for bait dealers. (Cate of Merrimack Dist. 13 - To Fish and Game)

HB 234-FN, providing an evaluation of state Route 101A corridor in the Nashua region and making an appropriation therefor. (Ware of Hillsborough Dist. 18 - To Public Works)

HB 235-FN, relative to emergency medical and psychiatric treatment for patients of state institutions and eligibility for admission to and care at Glencliff home for the elderly and making an appropriation therefor. (LaMott of Grafton Dist. 5; Densmore of Grafton Dist. 3; Cotton of Rockingham Dist. 26; Whitcomb of Grafton Dist. 1 - To Health and Welfare)

HB 236, providing special registration plates for members of the national guard and judiciary. (Benton of Rockingham Dist. 5 - To Transportation)

HB 237, relative to employment termination. (Murphy of Carroll Dist. 2 - To Labor, Human Resources and Rehabilitation)

HB 238-FN, relative to the Nashua area aquifer delineation study and making an appropriation therefor. (Carragher of Hillsborough Dist. 22; Lyons of Hillsborough Dist. 22; Nelson of Hillsborough Dist. 28;

Ford of Hillsborough Dist. 25; Hendrick of Hillsborough Dist. 12 - To Resources, Recreation and Development)

HB 239-FN, amending the distribution of the timber yield tax to provide additional funding for lookout stations and other forest conservation purposes. (Sherburne of Rockingham Dist. 2; Smith of Strafford Dist. 4 - To Environment and Agriculture)

HB 240-FN, to restore and rehabilitate the Tip Top house in Mount Washington state park and making an appropriation therefor. (LaMott of Grafton Dist. 5; Guay of Coos Dist. 7; Oleson of Coos Dist. 7; Chardon of Coos Dist. 6 - To Public Works)

HB 241-FN, making an appropriation to the department of education for the state revenue match requirement of the federal school lunch and child nutrition program. (Nelson of Hillsborough Dist. 28; O'Rourke of Hillsborough Dist. 31; Case of Rockingham Dist. 6; Robie of Hillsborough Dist. 27; Bolan of Hillsborough Dist. 22 - To Education)

HB 242-FN, making a supplemental appropriation to the office of the attorney general to settle the following cases: Hudson v. Dubois, et al.; Montague v. Youth Development Center; Shepard v. Armstrong; Faucher, et al. v. Rothenberg, et al. (Scamman of Rockingham Dist. 19 - To Appropriations)

HB 243-FN, authorizing the purchase of miscellaneous equipment and building repairs for the department of fish and game and making an appropriation therefor. (Oleson of Coos Dist. 7 - To Fish and Game)

HB 244-FN, to provide additional funds for the purchase of alcohol breath testing equipment and supplies. (Hawkins of Belknap Dist. 5 - To Transportation)

HB 245-FN, amending the disposition of transfer tax funds. (Campbell of Rockingham Dist. 20 - To Ways and Means)

HB 246-FN, relative to the acquisition and rehabilitation of civil patrol aircraft and making an appropriation therefor. (LaMott of Grafton Dist. 5 - To Public Protection and Veterans' Affairs)

CACR 7, relating to power of the general court to impose and levy assessments, rates and taxes. Providing that said assessments, rates and taxes need not be proportional and that taxes may be imposed on a graduated scale. (Ahrens of Hillsborough Dist. 13 - To Constitutional Revision)

RECESS

(Speaker Pro Tem in Chair)

Rep. Logan offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 247 through 258, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 247, creating a committee to study alternative sentencing. (Roherts of Merrimack Dist. 5 - To Judiciary)

HB 248-FN, relative to taxing electricity. (Easton of Grafton Dist. 11 - To Ways and Means)

HB 249, relative to the New Hampshire marine fisheries board. (Drake of Rockingham Dist. 18 - To Executive Departments and Administration)

HB 250-FN, making an appropriation to the department of education, division of vocational technical education. (Boucher of Rockingham Dist. 23 - To Education)

HB 251-FN, relative to the state board of education and to salaries of assistant superintendents, teacher consultants and business administrators. (Boucher of Rockingham Dist. 23 - To Education)

HB 252, providing for a right to a hearing before the commissioner of revenue administration relative to apportionment of public taxes. (Jacobson of Merrimack Dist. 2 - To Municipal and County Government)

HB 253, abolishing a 5-trap license for taking lobster. (Drake of Rockingham Dist. 18; Moore of Rockingham Dist. 14 - To Fish and Game)

HB 254-FN, relative to a resident commercial salt water fishing license. (Drake of Rockingham Dist. 18 - To Fish and Game)

HB 255-FN, relative to nonresident commercial salt water fishing license. (Drake of Rockingham Dist. 18 - To Fish and Game)

HB 256-FN, relative to bail commissioners' fees. (Parr of Rockingham Dist. 17; French of Belknap Dist. 4; Hardy of Belknap Dist. 4 - To Judiciary)

HB 257, authorizing municipalities to appropriate money for any legal purpose. (Perry of Cheshire Dist. 10; King of Rockingham Dist. 4 - To Municipal and County Government)

HB 258-FN, encouraging the establishment of kindergartens in public schools and making an appropriation therefor. (Barber of Cheshire Dist. 17 - To Education)

## RECESS

(Speaker Pro Tem in Chair)

Rep. Randall offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 259 through 271, and House Concurrent Resolutions number 5 and 6, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS AND HCRs

First, second reading and referral

HB 259-FN, moving the town of Madbury from the Dover judicial district to the Durham judicial district for the purposes of district court jurisdiction. (Schreiber of

Strafford Dist. 4; Lessard of Dist. 21 - To Judiciary)

HB 260-FN, increasing the amount of catastrophic state aid to school districts for special education. (Langley of Coos Dist. 3; Chardon of Coos Dist. 6; Wiggins of Dist. 8 - To Education)

HB 261-FN, relative to alcohol and drug abuse. (Riley of Cheshire Dist. 5; Chambers of Grafton Dist. 12; Head of Hillsborough Dist. 9; Champagne of Dist. 20 - To Regulated Revenues)

HB 262-FN, requiring that motor vehicle fines and forfeitures shall be deposited into the state general fund. (Underwood of Merrimack Dist. 15 - To Ways and Means)

HB 263, to eliminate the requirement of a witness on a mortgage discharge. (Dexter of Belknap Dist. 8 - To Judiciary)

HB 264, permitting towns to choose to elect highway agents for up to 3-year terms. (Flanders of Rockingham Dist. 5; Gregorio of Rockingham Dist. 5; Jacobson of Merrimack Dist. 2; Dickinson of Carroll Dist. 2; Podles of Dist. 16; Wiggins of Dist. 8 - To Municipal and County Government)

HB 265, limiting the grounds for eviction of tenants from certain rental units. (Quimby of Rockingham Dist. 7 - To Commerce, Housing and Consumer Affairs)

HB 266-FN, requiring sellers of liquor to file an annual report. (Rounds of Grafton Dist. 10; McLane of Dist. 15 - To Regulated Revenues)

HB 267-FN, relative to distributions from the sweepstakes fund. (Daniell of Merrimack Dist. 12; LaBranche of Merrimack Dist. 10 - To Ways and Means)

HB 268-FN, relative to the licensing of kindergartens. (Wallner of Merrimack Dist. 15 - To Education)

HB 269-FN, increasing the license fee for billiard tables, pool tables and bowling alleys. (Tavitian of Rockingham Dist. 9; Schwaner of Rockingham Dist. 9 - To Ways and Means)

HB 270-FN, making an appropriation to the department of education for the payment of debt service for school construction. (Robinson of Hillsborough Dist. 14; O'Rourke of Hillsborough Dist. 31; Case of Rockingham Dist. 6; Nelson of Hillsborough Dist. 28 - To Education)

HB 271-FN, establishing the office of utility consumer advocate. (Guay of Coos Dist. 7 - To Commerce, Housing and Consumer Affairs)

HCR 5, urging Congress to repeal the law requiring financial institutions to withhold 10 percent of interest and dividend payments. (Quimby of Rockingham Dist. 7; Hough of Dist. 5; Bartlett of Dist. 19; Blaisdell of Dist. 10; Preston of Dist. 23 - To Commerce, Housing and Consumer Affairs)

HCR 6, inviting Chief Justice King to Address a Joint Convention on the state of the judiciary. (Tucker of Sullivan Dist. 9; Roy of Dist. 22)

## RECESS

(Rep. Rounds in the Chair)

Rep. Dickinson offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 272 through 296, and House Joint Resolution number 2, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF HOUSE BILLS AND HJR First, second reading and referral

HB 272-FN, creating a self-supporting unified court system. (Jacobson of Merrimack Dist. 2 - To Judiciary)

HB 273-FN, requiring presidential primary checklists to be deposited at the state archives and with the clerk of the federal district court. (Jacobson of Merrimack Dist. 2 - To Statutory Revision)

HB 274-FN, relative to beano and a beano tax. (Carpento of Rockingham Dist. 20; Nagel of Rockingham Dist. 20 - To Regulated Revenues)

HB 275-FN, concerning state aid for special education. (Robinson of Hillsborough Dist. 14 - To Education)

HB 276-FN, establishing a New Hampshire high technology development authority and making an appropriation therefor. (Wight of Hillsborough Dist. 9 - To Science and Technology)

HB 277-FN, providing funds for 6 additional state troopers and equipment for state police and fire marshal for hazardous materials and waste enforcement and emergency response. (Wight of Hillsborough Dist. 9 - To Environment and Agriculture)

HB 278-FN, relative to the federal estate tax marital deduction. (Robinson of Strafford Dist. 4 - To Judiciary)

HB 279-FN, relative to the financing of regional planning commissions. (Wight of Hillsborough Dist. 9 - To Municipal and County Government)

HB 280, relative to the wetlands board hearings on fill and dredge in wetlands. (Danderson of Rockingham Dist. 11 - To Resources, Recreation and Development)

HB 281-FN, increasing the beer tax. (Scamman of Rockingham Dist. 19 - To Ways and Means)

HB 282-FN, relative to complete vehicle registration in cities and towns. (Jacobson of Merrimack Dist. 2 - To Transportation)

HB 283-FN, relative to voc-tech staff positions funding, and making an appropriation therefor. (White of Hillsborough Dist. 31; Bibbo of Merrimack Dist. 3; Campbell of Rockingham Dist. 20; Scranton of Cheshire Dist. 16; Kraker of Rockingham Dist. 25 - To Education)

HB 284-FN, exempting privately owned school buses from the gas tax. (Hickey of Cheshire Dist. 13 - To Transportation)

HB 285-FN, relative to the inheritance tax. (Daniell of Merrimack Dist. 12 - To Ways and Means)

HB 286-FN, relative to a 4 percent tax on income and making an appropriation therefor. (Daniell of Merrimack Dist. 12 - To Ways and Means)

HB 287-FN, relative to dental benefits for retirees of the New Hampshire retirement

system and making an appropriation therefor. (Chambers of Grafton Dist. 12 - To Executive Departments and Administration)

HB 288-FN, establishing a Northumberland judicial district and a Northumberland district court. (Langley of Coos Dist. 3 - To Judiciary)

HB 289, requiring banks to cash government-issued checks for elderly and handicapped persons without charge. (Spirou of Hillsborough Dist. 31; Gagnon of Hillsborough Dist. 26 - To Commerce, Housing and Consumer Affairs)

HB 290, relative to revenue enhancement and disbursement. (Dionne of Belknap Dist. 10 - To Ways and Means)

HB 291-FN, establishing a special education revolving loan fund and making an appropriation therefor. (Taffe of Grafton Dist. 6; Chambers of Grafton Dist. 12 - To Education)

HB 292-FN, relative to a cooperative agreement to serve handicapped children, and making an appropriation therefor. (Boucher of Rockingham Dist. 23; Taffe of Grafton Dist. 6 - To Education)

HB 293-FN, relative to foundation aid and school building aid to school districts. (Boucher of Rockingham Dist. 23 - To Education)

HB 294-FN, establishing a groundwater protection program and making an appropriation therefor. (Hendrick of Hillsborough Dist. 12 - To Resources, Recreation and Development)

HB 295-FN, creating the transmission authority state of New Hampshire. (Guay of Coos Dist. 7 - To Executive Departments and Administration)

HB 296, providing low cost loans for postsecondary education. (Bardsley of Merrimack Dist. 1; French of Belknap Dist. 4; Spirou of Hillsborough Dist. 31; Kelly of Dist. 14 - To Education)

HJR 2-FN, providing for reimbursement of Kimball Chase Co., Inc., for professional services rendered. (Robinson of Strafford Dist. 4 - To Appropriations)

#### RECESS

(Speaker Pro Tem in the Chair)

Rep. Silva offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 297 through 314, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF HOUSE BILLS First, second reading and referral

HB 297-FN, establishing a state ethics commission and ethical standards for public employees and public officials. (Kaklamanos of Hillsborough Dist. 26 - To Statutory Revision)

HB 298-FN, requiring the state board of education to develop and implement a comprehensive educational program on alcohol and drug abuse in public schools. (Head of

Hillsborough Dist. 9; LaMott of Grafton Dist. 5; Krasker of Rockingham Dist. 25; Knight of Hillsborough Dist. 6; Riley of Cheshire Dist. 5; Carswell of Dist. 9; White of Dist. 11; Kelly of Dist. 14 - To Education)

HB 299-FN, relative to a tax on income and making an appropriation therefor. (Sackett of Strafford Dist. 4; Mann of Grafton Dist. 5; Ramsay of Cheshire Dist. 10; Leslie of Rockingham Dist. 20; Hough of Dist. 5 - To Ways and Means)

HB 300-FN, allowing stepchildren and their spouses to inherit tax-free from a stepparent and to bequeath tax-free to a stepparent. (Sanders of Belknap Dist. 6; Dickinson of Carroll Dist. 2 - To Ways and Means)

HB 301-FN, establishing a political campaign financing fund. (Jacobson of Merrimack Dist. 2 - To Statutory Revision)

HB 302-FN, providing credits for legacy and succession taxes paid on prior transfers between brothers and sisters. (McGlynn of Hillsborough Dist. 26 - To Ways and Means)

HB 303-FN, making an appropriation for the drilling of test wells in the town of Merrimack to determine the need for hazardous waste cleanup. (Ahrens of Hillsborough Dist. 13 - To Environment and Agriculture)

HB 304-FN, relative to a registered nurse program offering an associate degree at the New Hampshire vocational technical college in Berlin and making an appropriation therefor. (Chardon of Coos Dist. 6; Oleson of Coos Dist. 7; Dickinson of Carroll Dist. 2; Langley of Coos Dist. 3; Burns of Coos Dist. 5; Lamontagne of Dist. 1; Poulsen of Dist. 2 - To Education)

HB 305, relative to regulation of rates for property and casualty insurance. (Boucher of Merrimack Dist. 9 - To Commerce, Housing and Consumer Affairs)

HB 306-FN, relative to the taking of eastern coyotes and making an appropriation therefor. (Dickinson of Carroll Dist. 2; Oleson of Coos Dist. 7; Guay of Coos Dist. 7; Wiggins of Dist. 8 - To Fish and Game)

HB 307-FN, relative to the cost of living increases in the New Hampshire retirement system. (Skinner of Rockingham Dist. 21; Chambers of Grafton Dist. 12; Sullivan of Merrimack Dist. 15; Blaisdell of Dist. 10 - To Executive Departments and Administration)

HB 308-FN, increasing the discount allowed on the price of liquor sold to on-sale permittees by the liquor commission. (Powers of Carroll Dist. 5; Lemire of Coos Dist. 8 - To Regulated Revenues)

HB 309-FN, relative to the sale of fireworks and imposing a tax thereon. (Eaton of Cheshire Dist. 4; White of Dist. 11 - To Ways and Means)

HB 310-FN, relative to construction of the central New Hampshire turnpike and making an appropriation therefor. (Smith of Hillsborough Dist. 19; Donovan of Hillsborough Dist. 26; Levesque of Hillsborough Dist. 25; Carragher of Hillsborough Dist. 22 - To Public Works)

HB 311-FN, making an appropriation to the water supply and pollution control

commission. (LaMott of Grafton Dist. 5 - To Appropriations)

HB 312-FN, requiring the public utilities commission to have an independent risk analysis study and a separate economic impact study conducted for the Seabrook nuclear power plant. (Spirou of Hillsborough Dist. 31; Splaine of Dist. 24 - To Science and Technology)

HB 313-FN, requiring that the cost of medical and health insurance coverage for certain retirees be provided by the state retirement system and making an appropriation therefor. (Spirou of Hillsborough Dist. 31 - To Executive Departments and Administration)

HB 314-FN, relative to vanity number plates for motor vehicles. (White of Hillsborough Dist. 31 - To Transportation)

#### RECESS

(Speaker Pro Tem in the Chair)

Rep. Parr offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 200, 315 through 319, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF HOUSE BILLS First, second reading and referral

HB 200-FN, creating a state funded unified court system and making an appropriation therefor. (Sytek of Rockingham Dist. 20; Krasker of Rockingham Dist. 25; Scanman of Rockingham Dist. 19; LaMott of Grafton Dist. 5; Champagne of Dist. 20 - To Judiciary)

HB 315-FN, making certain supplemental appropriations. (Sytek of Rockingham Dist. 20 - To Appropriations)

HB 316-FN, relative to the alternate business profits tax. (LaMott of Grafton Dist. 5 - To Ways and Means)

HB 317-FN, amending the business profits tax by limiting the depreciation deduction to the amount allowable before the Economic Recovery Tax Act of 1981. (Converse of Sullivan Dist. 6 - To Ways and Means)

HB 318-FN, relative to foundation aid. (Robinson of Hillsborough Dist. 14 - To Education)

HB 319-FN, relative to the gasoline tax. (White of Hillsborough Dist. 31 - To Public Works)

#### RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn. Adopted.

#### SEATING CHANGES

Rep. B. P. Smith from 4-95 to 4-78  
Rep. Carol Nagel from 4-82 to 2-75



# HOUSE JOURNAL 8

*Tuesday, 1 Mar 83*

The House assembled at 1:00 p.m., and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

Dear God, we thank You for bringing us to the beginning of another month. We thank You for Your continual reminders of Your love for us. Please forgive us as we have strayed from what we know to be the best in our lives and work. Please forgive us in that we have enjoyed our separation from You and not acknowledged our need for Your wisdom. Please now lead us in the paths of wisdom, justice, mercy and love as we attempt to make laws that explain Your Eternal Law. Amen.

Rep. Downing led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Waldron, Cutting, Connors, Palmer, Lussier, McGlynn, Irwin, Chambers, Donnelly, Stio, Burkush, William Riley and Paul Johnson, the day, illness.

Reps. William Dion, Arthur Locke, Lamprey, Hickey, Galloway, Vartanian, Krasker, John Burns, Boutwell, Wallner, Flanagan, Brack, Stylianos, Reidy, John Hynes, Horton and Easton, the day, important business.

Rep. Thomas Hynes, the day, death in the family.

## INTRODUCTION OF GUESTS

Rear Admiral R. H. Wood, Colonel John H. Jacobsmeier, Jr., Major General Jacobson, Colonel John Buxton and Colonel Ray Perkins, who was a Speaker of the House in 1953, guests of the Speaker; Mrs. Helen Gordon, wife of Rep. Gordon, Mr. and Mrs. Martin Johansen and children, Karl, Craig, Karol and Kurt, guests of Rep. Gordon; David Welsh, guest of the Kingstons Delegation; former Representative Mary Whitehead, guest of the Executive Departments and Administration Committee; former Representative Max Wiviott, guest of the Speaker; Mrs. Edward Moran and her son, Michael and their guest from Chile, Stefano Guidolini, guests of Rep. LaBranche; Frederick Bramscombe, guest of Rep. Stewart.

## THREE LEGISLATIVE DAY EXTENSIONS GRANTED

HB 91, relative to the reconstruction of Camp Sargent road and making an appropriation therefor.

HB 74-FN, eliminating the \$50 limit on legislative mileage.

HB 45, to increase the penalty for refusal to take the chemical testing to determine alcoholic content of blood.

HB 88, relative to the inspection of amusement rides.

Rep. Rounds offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 320 and 321, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 320-FN, creating a comprehensive recycling, solid waste disposal and litter control act. (Olson of Coos Dist. 7; Walter of Grafton Dist. 13; Brack of Hillsborough Dist. 32; Freese of Dist. 4; Blaisdell of Dist. 10 - To Environment and Agriculture)

HB 321-FN, permitting the sweepstakes commission to conduct a new car lottery. (Healy of Hillsborough Dist. 30 - To Regulated Revenues)

## SENATE MESSAGES CONCURRENCE

HB 14, relative to the setting of deer season.

HB 55, relative to permitting hunters in certain towns and a city to shoot wild deer with a muzzle-loading rifle.

HB 136-FN, relative to sunset review of the fish and game department - fish resources.

## REQUESTS CONCURRENCE WITH AMENDMENT

HB 2, providing for certain benefits to the widow and estate of Hugh J. Gallen.

## REQUESTS CONCURRENCE WITH SENATE BILLS

SB 10-FN, revising the park boundary line of Hilton State Park.

SB 13, relative to increasing the fee for a pheasant stamp; changing the season for taking pheasants; and repealing the limitation on stocking pheasants.

Rep. Rounds moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

Adopted.

## COMMITTEE REPORTS (Consent Calendar)

HB 112-FN, relative to sunset review of the insurance department - administration. Ought to Pass With Amendment.



The bill continues the operation of the Insurance Department. The amendment makes some RSA numbering corrections and corrects changes that affected insurance companies due to Revision of General Corporate Laws which also affected insurance law. These are now corrected. Vote 18-0. Rep. William L. Roberts for Commerce, Housing and Consumer Affairs.

#### Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 References Amended. Amend the introductory paragraph of RSA 401:1 by striking out in line 3 the citation "chapter 294, RSA" and inserting in place thereof the following (RSA 293-A) and by striking out in line 5 the citation "chapter 292, RSA," and inserting in place thereof the following (RSA 292) so that said paragraph as amended shall read as follows:

Subject to the additional or varied requirements stated in this chapter, a corporation with capital stock may be formed, pursuant to the provisions of RSA 293-A, and a corporation to carry on business on the mutual plan may be formed pursuant to the provisions of RSA 292 for the purpose of conducting the following kinds of insurance business:

4 New Section. Amend RSA 401 by inserting after section 1 the following new section:

401:1-a Purposes; Miscellaneous Insurance.

I. Any corporation formed or authorized for the purpose of conducting one or more of the kinds of insurance found in RSA 401:1, or licensed or authorized pursuant to RSA 405, shall be permitted to conduct other kinds of insurance not enumerated in RSA 401:1 as the commissioner may permit by rule pursuant to paragraph II below.

II. If the commissioner determines that there exists a kind of insurance which is not enumerated in RSA 401:1 and such kind of insurance is properly the subject of insurance, and is in the public interest, the commissioner may by rule adopted under RSA 541-A permit corporations to conduct said kind or kinds of insurance as miscellaneous insurance. Corporations may conduct miscellaneous insurance in combination with one or more other kinds of insurance specified in RSA 401:1 as permitted by the commissioner. However, no corporation shall conduct a kind of miscellaneous insurance unless that kind of miscellaneous insurance has been specifically permitted by the commissioner.

III. An insurance company or other insurer need not have its physical license or authorization amended to permit it to write a kind of miscellaneous insurance provided the company or other insurer has been notified by the commissioner of a decision made pursuant to paragraph II.

5 New Procedure. Amend RSA 401:6 (supp) as amended by striking out said section and inserting in place thereof the following:

401:6 Certification of Agreement. The articles of agreement shall be submitted to the insurance commissioner, who shall examine same. The commissioner shall not approve the articles of agreement of a company until he is satisfied, by such examination as he may make and such evidence as he may require, that: (1) the incorporators are of good repute and intend in good faith to operate the company; (2) the company has capable management; (3) the company has a reasonable prospect for success in the kind or kinds of business which it proposes to transact; (4) the actuarial projections, policy forms, rates, dividends, commissions, and other expenses contemplated as well as reinsurance, market and taxes are sound and reasonable; and (5) the articles of agreement otherwise comply with the law. Upon satisfying himself that the foregoing requirements have been met, the commissioner shall so certify by an endorsement upon said articles of agreement, which shall then be recorded in accordance with the provisions of RSA 293-A:55 provided that copies of the original documents filed with the secretary of state shall also be filed with the insurance commissioner.

6 Reference Changed. Amend RSA 401:7 as amended by striking out in line 14 the citation "section 40 of chapter 294" and inserting in place thereof the following (RSA 293-A:59) so that said section as amended shall read as follows:

401:7 Amendment of Chapter or Articles of Incorporation. Any insurance company organized under the laws of the state, whether by special charter or under the general law, shall be entitled to amend its charter or articles of incorporation, so as to acquire the authority to do any or all kinds of insurance business which corporations organized under the provisions of this chapter are authorized to do, and may otherwise amend its charter or articles, in any manner not inconsistent with this chapter, by a majority vote of all its stock, or, if a mutual company, by a majority vote of those members present and voting, at a meeting called for that purpose. Any such company may, with approval of the commissioner, increase or reduce its capital stock and, subject to the limitations hereinafter provided, may change the par value of the shares of its capital stock at a meeting called for the purpose, by vote of its stockholders as provided by RSA 293-A:59. The par value of the shares of stock of any such company now outstanding or hereafter issued may be such an amount as the commissioner may approve.

7 Requirement Deleted. Amend RSA 401:8 by striking out in lines 3 and 4 the words "and to the attorney-general or assistant attorney-general for their" and inserting in place thereof the following (for) so that said section as amended shall read as follows:

401:8 --Certification of Amendments. All proposed amendments, duly certified to by the president and secretary of such company, shall be submitted to the commissioner for examination and endorsement of approval in the same manner as provided by this chapter as to the original articles of agreement. Copies of all documents

required by this section to be submitted to the commissioner shall be filed with him.

8 Exception Reworded. Amend RSA 401:10 (supp) as amended by striking out said section and inserting in place thereof the following:

401:10 Applicability of General Corporation Law. Insurance corporations organized under the laws of this state whether by special charter or by the general law shall be subject to only those provisions of the laws relating to corporations in general that are not inconsistent with the provisions of Title XXXVII, the insurance code.

9 Cross Reference Amended. Amend RSA 401:11 (supp) as inserted by 1971, 232:2 by striking out in line 5 the citation "RSA 294:42" and inserting in place thereof the following (RSA 293-A) so that said section as amended shall read as follows:

401:11 Merger of Insurance Companies. Subject to the approval of the insurance commissioner as provided by law, any insurance corporation organized under the laws of this state, whether by special charter or under the general law, may merge or consolidate with any other corporation or corporations in the manner provided in RSA 293-A.

10 New Sections. Amend RSA 401 by inserting after section 11 the following new sections:

401:12 Clerk; Registered Agent; Registered Office. In lieu of the provisions of RSA 293-A:12, every insurer subject to this chapter may have and continuously maintain in this state a clerk who shall be the registered agent of the insurer and who shall be an individual resident of this state whose residence or business office shall be the registered office of the insurer.

401:13 Officers.

I. The officers of an insurer who is subject to the provisions of this chapter shall consist of a president, a clerk or secretary who shall be the agent for service of process, and a treasurer, each of whom shall be elected by the board of directors at a time and in a manner as may be prescribed by the bylaws. Such other officers and assistant officers and agents as may be deemed necessary may be elected or appointed by the board of directors or chosen in such other manner as may be prescribed by the bylaws. Any 2 or more offices may be held by the same person.

II. All officers and agents of the insurer, as between themselves and the insurer, shall have the authority to perform the duties in the management of the insurer as may be provided in the bylaws, or as may be determined by resolution of the board of directors not inconsistent with the bylaws.

401:14 Restated Articles of Incorporation. A copy of all restated articles of incorporation to the extent they are adopted shall be filed with the insurance department.

401:15 Name. Corporations subject to regulation by the insurance commissioner shall not be subject to the requirements of RSA 293-A:8, 1(a) pertaining to the designation of the corporate status and the corporate name but shall be subject to all

other provisions of RSA 293-A:8, except that any filings, including trade names, shall be subject to the examination by and approval of the insurance commissioner before filing with the secretary of state.

401:16 Name Reservation.

I. The reservation of the name of an insurer, including trade names, shall be made by filing an application, executed by the applicant with the insurance commissioner to reserve a specified name, and by paying a fee as set by RSA 400-A:29. If the commissioner finds that the name is available for use, he shall reserve the name for the exclusive use of the applicant for a period of 120 days.

II. The right to the exclusive use of a specified name, including trade names, so reserved may be transferred to any other person or corporation by filing, with the office of the insurance commissioner, a request for the transfer, executed by the applicant for whom the name was reserved, by specifying the name and address of the transferee and other information as required by the insurance commissioner and by paying a fee equal to the original application fee.

401:17 Perpetual Existence; Presumption. Unless otherwise expressly approved by the commissioner, all insurance companies or other insurers subject to this chapter shall have perpetual existence.

11 Effective Date. This act shall take effect upon its passage.

HB 113-FN, relative to sunset review of the insurance department - examination division. Ought to Pass.

This bill continues the operation of the examination division of the Insurance Department. Vote 18-0. Rep. William L. Roberts for Commerce, Housing and Consumer Affairs.

HB 115-FN, relative to sunset review of the postsecondary education commission. Ought to Pass.

The Committee feels that the Postsecondary Education Commission performs an important service and should be continued in its present form. Vote 19-0. Rep. Betty Jo Taffe for Education.

HB 116-FN, relative to sunset review of the postsecondary education commission - N.H. incentive program. Ought to Pass.

The Committee feels that the New Hampshire Incentive Program, which makes grants to New Hampshire undergraduates attending eligible New Hampshire postsecondary institutions, should be continued in its present form. Vote 19-0. Rep. Betty Jo Taffe for Education.

HB 118-FN, relative to sunset review of the higher education fund - U.N.H. - Durham. Ought to Pass.

The services of this unit touch every corner of the state and ought to be continued in its present form. Vote 16-0. Rep. Edmund M. Keefe for Education.

HB 119-FN, relative to sunset review of the higher education fund - Keene state college. Ought to Pass.

This bill allows Keene State College to continue its meaningful role in the field of higher education in New Hampshire. Vote 16-0. Rep. Jesse F. Davis for Education.

HB 120-FN, relative to sunset review of the higher education fund - Plymouth State College. Ought to Pass.

This bill allows Plymouth State College to continue its meaningful role as an institution of higher education in New Hampshire. Vote 14-0. Rep. Jesse F. Davis for Education.

HB 124-FN, relative to sunset review of the higher education fund - agriculture experiment station. Ought to Pass.

This unit performs a necessary and worthwhile function and should be continued. Vote 15-0. Rep. Edmund M. Keefe for Education.

HB 125-FN, relative to sunset review of the higher education fund - marine research development. Ought to Pass.

The Education Committee does not agree with the sunset staff recommendation to put the program under the University of New Hampshire research office. The Committee wishes to see this program continued in its present form. Vote 15-0. Rep. William P. Boucher for Education.

HB 126-FN, relative to sunset review of the higher education fund - U.N.H. cooperative extension service. Ought to Pass.

This act will continue the excellent extension work in the cities and towns of New Hampshire. It includes four major programs: Home Economics, New Hampshire Youth Development, Agriculture and Forestry. It encompasses all ages of citizens. It is supported by federal, state and county funds. Its services and personnel are served by advisory committees. Vote 15-0. Rep. J. Arthur Tufts for Education.

HB 129-FN, relative to sunset review of veterinary/medical/optometric education program. Ought to Pass.

No one appeared to testify against the bill. Sense of the Committee was that the programs in the PAU fill a most useful purpose. Vote 20-0. Rep. William A. Riley for Education.

HB 22, relative to the cutting of timber on the property of another. Inexpedient to Legislate.

The thrust of this bill is to change the responsibility for a timber cutting operation from the timber-cutter to the landowner. The present law has been in effect since 1791, virtually unchanged, and has for the most part worked well. Vote 13-0. Rep. Irene J. Shepard for Environment and Agriculture.

HB 135-FN, relative to sunset review of administration and control - division of graphic services. Ought to Pass with Amendment.

The Committee recommends the Division of Graphic Services be recreated with amendments intended to provide greater service and flexibility. The amendment provides authority to the Director to approve agency ownership of graphic services' equipment and related personnel on an annual basis and, also, provides forms, management consulting and training to agency personnel. It also permits the Director to purchase equipment for resale, lease, or rental to state agencies. The purchases would be made through the Comptroller and charged upon an inventory account. Vote 21-0. Rep. John B. Hrabka for Executive Departments and Administration.

#### Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Duties of Director. Amend RSA 8:54 by inserting after paragraph VII the following new paragraphs:

VIII. Approve or disapprove the continuing ownership or the purchase of graphic services equipment and the employment of related personnel by the nonexempt agencies and reapprove their continuance annually.

IX. Provide forms management consulting and training services for state agency personnel in coordination with data processing operations.

4 Purchases. Amend RSA 8 by inserting after section 54 the following new section:

8:54-a Purchases. For the purpose of carrying out the provisions of RSA 8:54, III, V and VI, the director of graphic services may purchase equipment for resale, lease, or rental to other governmental agencies. All such purchases, rentals and leases shall be made through the comptroller. Such purchases, rentals and leases shall be a charge upon an inventory account established upon recommendation of the comptroller. The director of graphic services shall report monthly to the comptroller the value of issues out of inventory and the appropriation account to be charged therefor. The inventory account shall be credited with issues out of inventory. Such purchases, rentals and leases shall be a charge upon an inventory account maintained in the office of the comptroller.

5 Effective Date. This act shall take effect upon its passage.

HB 25, relative to protests of changes in zoning regulations. Inexpedient to Legislate.

The Committee feels the question raised in this bill ought to be dealt with in the forthcoming recodification bill of the zoning statutes. Vote 18-0. Rep. Alf E. Jacobson for Municipal and County Government.

HB 39, giving tenure to deputy sheriffs in Carroll county. Inexpedient to Legislate. It was felt by the Committee that there was sufficient protection by law for all deputy sheriffs. Vote 14-2. Rep.

Robert H. Day for Municipal and County Government.

HB 86-FN, concerning taxation by the town of Derry of property within the East Derry fire precinct. Ought to Pass.

This bill would eliminate the possibility of double taxation to cover the Derry fire department costs. This bill is the same as the one adopted into law in 1981 covering a similar problem in Chesterfield. Vote 18-0. Rep. David M. Perry for Municipal and County Government.

HB 167, relative to vacancies in the offices of town clerk-tax collector and tax collector. Ought to Pass with Amendment.

This bill sets a time limit of 30 days for the appointment of a tax collector when the office is vacated. It also requires that all towns appoint a deputy tax collector who shall serve until a replacement is appointed. Vote 17-0. Rep. Arnold W. Peters for Municipal and County Government.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Deputies. Amend RSA 41:38 (supp) as amended by striking out said section and inserting in place thereof the following:

41:38 Deputy; Temporary Incapacity of Tax Collector.

I. The tax collector shall appoint a deputy, with the approval of the selectmen, who shall be sworn, give bond, have the powers of tax collectors and may be removed at the pleasure of the tax collector. The deputy shall perform such duties as are assigned to him by the tax collector.

II. Provided, however, if the tax collector is temporarily incapacitated before completing the collection of the taxes committed to him, or if any necessity may arise for such action, the deputy tax collector shall serve during such incapacity for not more than 30 days. Said deputy shall possess the powers, perform the duties and be paid as the selectmen or town meeting shall decide.

2 Repeal. RSA 41:42, relative to temporary incapacity of the tax collector is hereby repealed.

3 Vacancy. Amend RSA 669:67 (supp) as inserted by 1979, 410:1 by striking out said section and inserting in place thereof the following:

669:67 Tax Collector. If a vacancy in the office of tax collector occurs before the incumbent thereof has completed the collection of the taxes committed to him, or if the tax collector is removed from office pursuant to RSA 41:40, the deputy tax collector provided for in RSA 41:38 shall discharge the duties of the tax collector until the selectmen fill the position of tax collector within 30 days.

4 Temporary Incapacity. Amend RSA 41:45-c (supp) as inserted by 1969, 450:1 as

amended by striking out said section and inserting in place thereof the following:

41:45-c Deputy; Temporary Incapacity of Town Clerk-Tax Collector.

I. The town clerk-tax collector shall appoint a deputy, with the approval of the selectmen, who shall be sworn, give bond, have the powers of town clerk-tax collectors and may be removed at the pleasure of the town clerk-tax collector. The deputy shall perform such duties as are assigned to him by the town clerk-tax collector.

II. Provided, however, if the town clerk-tax collector is temporarily incapacitated before completing the collection of the taxes committed to him, or if any necessity may arise for such action, the deputy town clerk-tax collector shall serve during such incapacity for not more than 30 days. Said deputy shall possess the powers, perform the duties and be paid as the selectmen or town meeting shall decide.

5 Vacancy. Amend RSA 669:66 (supp) as inserted by 1979, 410:1 by striking out said section and inserting in place thereof the following:

669:66 Town Clerk-Tax Collector. If a vacancy in the office of town clerk-tax collector occurs, the deputy provided for in RSA 41:45-c shall discharge the duties of the town clerk-tax collector until the selectmen fill the position of town clerk-tax collector within 30 days.

6 Removal. Amend RSA 41:40 (supp) as amended by striking out in line 6 the number "10" and inserting in place thereof the following (30) so that said section as amended shall read as follows:

41:40 Removal of Collector; Selectmen to Appoint Successor. Whenever, upon examination by the department of revenue administration, the accounts of a tax collector are found to be irregular, the department of revenue administration may remove said collector by notice to the selectmen that the office is vacant. Upon receipt of such notice, the selectmen, within 30 days, shall appoint a suitable collector and issue a warrant to him to collect such taxes as are uncollected. Said appointee shall have the same powers and duties as other collectors and receive the same pay as his predecessor.

7 Effective Date. This act shall take effect 90 days after its passage.

HB 175, legalizing the town meeting of the town of Amherst held on January 5, 1983. Ought to Pass with Amendment.

This bill corrects a technical omission in the one article in a special town meeting held in Amherst on January 5, 1983. The bill, as amended, spells out that the amount of \$130,000 appropriated will be included in the 1983 tax rate. Vote 18-0. Rep. John P. Lawrence for Municipal and County Government.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:



## AN ACT

legalizing the town meeting of the town of Amherst held on January 5, 1983 and providing for the raising of \$130,000 through taxes.

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 Funds Needed. The sum of \$130,000 shall be raised, and shall be included in the 1983 tax rate for the town of Amherst.

3 Effective Date. This act shall take effect upon its passage.

HB 181, to require a 2/3 vote in order to change a municipality's form of government. Inexpedient to Legislate.

The present statutes provide sufficient safeguards that charter changes will not be made frivolously. After the election of a charter commission with the requirements of public hearings and protracted study a simple majority to adopt the recommendations is needed. Vote 18-0. Rep. John P. Lawrence for Municipal and County Government.

HB 182, designating certain members of a municipal budget committee as nonvoting members. Inexpedient to Legislate.

Under this bill, members of the municipal budget committee who are designated by school boards, village district commissioners, or board of selectmen would be nonvoting members. The Committee believes this bill would seriously hamper the input of certain budget committee members and create an unwarranted distinction between members of the municipal budget committee. Vote 17-1. Rep. George S. Lamprey for Municipal and County Government.

HB 183, providing for mandatory removal from office for violation of the provisions of RSA 32:10. Inexpedient to Legislate.

The Committee believes that mandating removal from office without taking into account extenuating or accidental circumstances is far too extreme an action. Vote 18-0. Rep. Alf E. Jacobson for Municipal and County Government.

HB 184, legalizing the 1982 annual town meeting of the town of Alton. Ought to Pass. The Committee felt this was a minor oversight of officials, and this action validates necessary procedure of the RSA for tax rate per Department of Revenue Administration. Vote 18-0. Rep. Paul A. Golden for Municipal and County Government.

HB 149-FN, relative to sunset review of the safety department - division of safety services. Ought to Pass.

The Committee recognized that there were elements within the Division which, to achieve maximum efficiency of operations and better personnel utilization, could be merged into or relocated to other

activities. However, in view of the executive branch reorganization contemplated by HB 1, it was felt that no useful purpose would be served by effecting transfer of job spaces, personnel, funds, equipment, etc. at this time, but rather to let such actions be a part of the overall reorganization process. Vote 11-0. Rep. Warren F. Ames for Public Protection and Veterans Affairs.

HB 61, restricting motorized dredging for heavy metals. Inexpedient to Legislate. The Committee concluded that such restrictions was a redundant legal restraint since RSA 149:8-a presently provides adequate safeguards to the water quality of all streams of the state. Vote 18-0. Rep. Douglas R. Woodward for Resources, Recreation and Development.

HB 170, relative to the use of certain type motorboats by disabled persons on restricted bodies of water in state. Inexpedient to Legislate.

The Committee believes it would be difficult to enforce the special permit process to allow persons who are physically handicapped to use electric motors on bodies of water which are now restricted to power boats. To drop all reference to handicapped persons changes the intent of the bill. Vote 16-1. Rep. Charles H. Dingle for Resources, Recreation and Development.

HB 169, relative to emergency vehicles. Inexpedient to Legislate.

The Committee felt that the subject matter addressed in this bill is adequately covered in existing statutes. It recognizes that there may be minor problems in local areas, but that use of common sense will cover any problems that may arise. Vote 16-0. Rep. Irvin H. Gordon for Transportation.

#### COMMITTEE REPORTS (Regular Calendar)

HB 36-FN, changing the daily fee and mileage paid to court witnesses. Ought to Pass with Amendment.

This bill divides the witness fee remuneration into half days so that a witness who attends court only one-half day will receive \$15 and a full day witness, \$30. Mileage is increased from 17¢ to 20¢ per mile. Vote 10-8. Rep. Alf E. Jacobson for Municipal and County Government.

Rep. Mann moved that HB 36 be recommitted to the Committee on Municipal and County Government and spoke to his motion.

Adopted.

HB 90, relative to improvements to the central New Hampshire turnpike and making an appropriation therefor. Ought to Pass.

This bill provides for the construction of a new exit off central New



Hampshire's turnpike for the Merrimack industrial area. Vote 14-0. Rep. Lorine M. Walter for Public Works.

Referred to Appropriations.

Reps. Rounds and Spirou offered the following.

#### HOUSE CONCURRENT RESOLUTION NO. 6

inviting Chief Justice King to address a Joint Convention on the state of the Judiciary.

WHEREAS, many legislators, as well as members of the public, are uninformed as to the operation of the Judiciary, although it is a coequal branch of government with the Legislative and Executive branches; and

WHEREAS, the Honorable Warren E. Burger, Chief Justice of the United States Supreme Court, has recommended that an excellent manner in which to strengthen the cooperation and understanding between the Legislative and Judicial branches of government would be to implement, on an annual basis, a "State of the Judiciary" address to the state legislature by the chief justice of each state's highest court; now, therefore be it

RESOLVED by the House of Representatives, the Senate concurring, that the Chief Justice of the New Hampshire Supreme Court, the Honorable John W. King, is cordially invited to address the house of representatives and senate in joint convention at a time mutually convenient to the Chief Justice and to both houses of the general court.

Adopted.

The Carroll County Delegation offered the following:

#### HOUSE RESOLUTION NO. 23

memorializing State Representative Donald K. Howard.

WHEREAS, we have learned with sorrow of the death of Representative Donald K. Howard, and

WHEREAS, Donald K. Howard served the people of Carroll County faithfully and with distinction as an eleven-term member of the General Court, and

WHEREAS, Donald K. Howard served as Chairman of the Carroll County Delegation, Vice-Chairman of the Standing Committee on State Institutions and was an honored member of the Organization of Women Legislators, and

WHEREAS, Donald K. Howard remained active in local governmental affairs by working as the clerk for the Selectmen of Bartlett and by serving as a member of the Bartlett Building Committee, and

WHEREAS, Donald K. Howard's record of public service to the citizens of this State is exemplary and most certainly commands public recognition now, therefore be it

RESOLVED, by the New Hampshire House of Representatives in Regular Session convened, that expressions of our heartfelt sympathy

be extended to her husband Linus and family and, be it further

RESOLVED, that a suitable copy of these resolutions be prepared for presentation to her family.

Unanimously adopted by a rising vote of silent prayer.

Rep. French offered the following:

#### HOUSE CONCURRENT RESOLUTION NO. 7

memorializing Leon W. Anderson of Concord.

WHEREAS, we have learned with sorrow of the death of Leon W. Anderson, and

WHEREAS, "Andy," as he was known, was a member of the House of Representatives in 1943, a four-year member of the State Racing Commission, member of the New Hampshire Historic Preservation Review Board and the New Hampshire State Historical Records Board and the State's Legislative Historian, and

WHEREAS, Andy Anderson was not only a popular political columnist but the editor of such publications as the "Brown Book," "New Hampshire Women Legislators," and the author of several historical pamphlets including those for the State's commemorative liquor bottles, a preface to the "Annals of the Town of Concord," "The State, Concord, New Hampshire Sesquicentennial," "The 40th Anniversary of the New Hampshire Liquor Commission, 1934-1974," and various histories of the Executive Council, and the State Senate, and

WHEREAS, most notable of Andy Anderson's contributions was his 401-page history "To This Day: The 300 Years of the New Hampshire Legislature," and

WHEREAS, his career has been distinguished not only by his unflinching courtesy, kindness and thoughtfulness, but also by his unyielding dedication to his work, thus earning him the profound respect and confidence of the public and his associates, now therefore be it

RESOLVED, by the House of Representatives, the Senate concurring, that Leon W. Anderson's outstanding career receive public recognition and appreciation and that expressions of heartfelt sympathy be extended to his wife Mabel and family, and be it further

RESOLVED, that a suitable copy of this resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

Rep. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourn today it be to meet Thursday, March 3rd at 1:00 p.m.

Adopted.

## LATE SESSION

Third reading and final passage

## RECESS

(Rep. Rounds in the Chair)

HB 112-FN, relative to sunset review of the insurance department - administration.

HB 113-FN, relative to sunset review of the insurance department - examination division.

HB 115-FN, relative to sunset review of the postsecondary education commission.

HB 116-FN, relative to sunset review of the postsecondary education commission - N.H. incentive program.

HB 118-FN, relative to sunset review of the higher education fund - U.N.H. - Durham.

HB 119-FN, relative to sunset review of the higher education fund - Keene state college.

HB 120-FN, relative to sunset review of the higher education fund - Plymouth State College.

HB 124-FN, relative to sunset review of the higher education fund - agriculture experiment station.

HB 125-FN, relative to sunset review of the higher education fund - marine research development.

HB 126-FN, relative to sunset review of the higher education fund - U.N.H. cooperative extension service.

HB 129-FN, relative to sunset review of veterinary/medical/optometric education program.

HB 135-FN, relative to sunset review of administration and control - division of graphic services.

HB 86-FN, concerning taxation by the town of Derry of property within the East Derry fire precinct.

HB 167, relative to vacancies in the offices of town clerk-tax collector and tax collector.

HB 175, legalizing the town meeting of the town of Amherst held on January 5, 1983 and providing for the raising of \$130,000 through taxes.

HB 184, legalizing the 1982 annual town meeting of the town of Alton.

HB 149-FN, relative to sunset review of the safety department - division of safety services.

HCN 6, inviting Chief Justice King to address a Joint Convention on the state of the Judiciary.

HCN 7, memorializing Leon W. Anderson of Concord.

## VACATE

Rep. Head moved that the House vacate the reference of HB 235-FN, relative to emergency medical and psychiatric treatment for patients of state institutions and eligibility for admission to and care at Glencliff home for the elderly and making an appropriation therefor, to the Committee on Health and Welfare

Adopted.

The Speaker referred HB 235 to the Committee on State Institutions.

Rep. Rounds moved that the House stand in recess for the purpose of Introduction of Bills only.

Adopted.

The House recessed at 1:45 p.m.

Rep. Tamposi offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 322 through 334, and Concurrent Resolution Proposing Constitutional Amendment numbered 8, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS AND CACR  
First, second reading and referral

HB 322-FN, providing for the acquisition of a certain dam and water rights by the fish and game department and making an appropriation therefor. (Sallada of Hillsborough Dist. 4; Hawkins of Hillsborough Dist. 5; White of Dist. 11 - To Resources, Recreation and Development)

HB 323-FN, relative to the Summer Brook fish hatchery in the town of Ossipee. (Heath of Carroll Dist. 4; Dionne of Strafford Dist. 5; White of Hillsborough Dist. 31; Lewis of Merrimack Dist. 5 - To Resources, Recreation and Development)

HB 324, reapportioning the Rockingham county commissioner districts. (Sytek of Rockingham Dist. 20; Benton of Rockingham Dist. 5; Krasker of Rockingham Dist. 25; Warburton of Rockingham Dist. 6 - To Statutory Revision)

HB 325, relative to the use of snares in trapping. (Dickinson of Carroll Dist. 2; Heath of Carroll Dist. 4 - To Fish and Game)

HB 326, to provide for the option of appointment of town clerks. (Matson of Cheshire Dist. 7 - To Municipal and County Government)

HB 327-FN, establishing fees for any publication produced by the department of fish and game. (Heath of Carroll Dist. 4 - To Fish and Game)

HB 328, authorizing towns to establish general reserve funds for any purpose for which a town may raise money. (Sloan of Rockingham Dist. 6 - To Municipal and County Government)

HB 329, relative to gifts to the department of fish and game. (Chagnon of Strafford Dist. 2 - To Fish and Game)

HB 330, concerning the allocation of fees collected for dog and kennel licenses. (Heath of Carroll Dist. 4 - To Municipal and County Government)

HB 331, relative to weights and measures. (Campbell of Rockingham Dist. 20 - To Environment and Agriculture)

HB 332, permitting municipal court justices to hear district court cases when the district court justice is disqualified or unable to hear the case. (Blake of Rockingham Dist. 6 - To Judiciary)

HB 333-FN, relative to a lump sum death benefit for Lillian Palmer. (Smith of Merrimack Dist. 16; Burkush of Hillsborough Dist. 35; Zajdel of Hillsborough Dist. 33; Martineau of Hillsborough Dist. 38; Parrish

of Merrimack Dist. 16 - To Executive  
Departments and Administration)

HB 334, reclassifying the Pemigewasset  
river between the towns of Woodstock and  
Thornton and the East Branch Pemigewasset  
river between the towns of Lincoln and  
Woodstock. (King of Grafton Dist. 6;  
Hutchings of Grafton Dist. 8 - To Resources,  
Recreation and Development)

CACR 8, relating to county attorneys.  
Providing that said attorneys be appointed  
by the county commissioners in each county.  
(Matson of Cheshire Dist. 7 - To  
Constitutional Revision)

#### RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn.  
Adopted.

#### COMMITTEE ASSIGNMENTS

Rep. Rita McAvoy on Labor, Human  
Resources and Rehabilitation.

#### SEATING CHANGE

Rep. Lorine Walter from 2-31 to 4-7

#### COMMITTEE CHANGES

Rep. Edward Zimmerman off State  
Institutions.

Rep. Geraldine Watson on State  
Institutions.

Rep. Kathleen Degnan on Public Works.

Rep. Paul Keenan off Public Works.

Rep. Beverly Gage off Labor and on  
Public Works.

Rep. Rick Newman off Municipal and  
County Government.

Rep. Ellen Cressy on Municipal and  
County Government.

Rep. Caroline Gross on State  
Institutions.

# HOUSE JOURNAL 9

*Thursday, 3Mar83*

The House assembled at 1:00 p.m., and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

We thank Thee dear Father for the interludes of celebrations and ceremony between our sessions. We thank You dear God that You have given us the wisdom to divide ourselves into committees to do our homework between sessions. We pray for the responsibility to do our assigned tasks well, the honesty to communicate our feelings and actions in the bills we write and a trust in our colleagues' good work. As the body is made of many parts and works well when all parts function as You have created them, so let each member of this House function well for the upbuilding of the entire body. Amen.

Rep. Craig led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Palmer, Connors, Waldron, Pantelakos, Stio, Hendrick, Roland Lemire, Donnelly, Harnish and Lussier, the day, illness.

Reps. Wallner, Boutwell, John Burns, Krasker, Galloway, Hickey, Lamprey, Arthur Locke, William Dion, Driscoll, Brack, Kinhan, Stylianos, Campbell, Zimmerman, Flanagan, Raymond Wood, Gelinas and McGlynn, the day, important business.

## INTRODUCTION OF GUESTS

Helena Smith, daughter of Rep. B. P. Smith, Mrs. Ruth Meader, mother of Rep. David Meader.

## ENROLLED BILLS REPORT

HB 55, to permit hunters in certain towns and a city to shoot wild deer with a muzzle-loading rifle.

HB 136, relative to sunset review of the fish and game department - fish resources.  
Sen. Laurier Lamontagne  
Rep. Marjorie Peters  
For The Committee.

Rep. Rounds moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.  
Adopted.

## COMMITTEE REPORTS (Consent Calendar)

HB 81-FN, requiring review of the basis for apportionment of certain costs in cooperative school districts. Inexpedient to Legislate.

Since the intent of HB 81-FN can be accomplished by petition with signatures at the local level, the Committee felt the matter should be handled locally. Vote 15-0. Rep. Ellen-Ann Robinson for Education.

HB 122-FN, relative to sunset review of the higher education fund - U.N.H. continuing education. Ought to Pass with Amendment.

This bill renews the higher education fund for the University System School for Lifelong Learning and allows a most worthwhile program to continue. The amendment corrects an error in the name of this component of the university system. Vote 15-0. Rep. Jesse F. Davis for Education.

## Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Name Change. The PAU for "U.N.H. continuing education," which is renewed by section 1 of this act, is and shall hereafter be called the "school for lifelong learning."

4 Effective Date. This act shall take effect upon its passage.

HB 123-FN, relative to sunset review of the higher education fund - industrial and institutional development. Ought to Pass with Amendment.

The Education Committee agrees that the University of New Hampshire needs an industrial liaison organization to supplement the university's academic programs and to enable the university to serve the state's businesses, industries and government agencies. The amendment replaces the Center for Industrial and Institutional Development with a new unit, the University of New Hampshire Consulting Center. It defines the mission of the unit and its organizational relationship to the university. Vote 19-0. Rep. Betty Jo Taffe for Education.

## Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Name Change. The designation of PAU 060707 is hereby changed from the higher education fund - industrial and institutional development to the university of New Hampshire consulting center.

4 New Section. Amend RSA 187-A by inserting after section 10 the following new section:

187-A:10-a Consulting Center. The university of New Hampshire consulting center shall be an administrative unit of

the university of New Hampshire research office. The consulting center shall report to the director of the research office and, through the director, to the vice president for academic affairs. The purpose of the consulting center shall be:

I. To promote interaction between the faculty and students of the university of New Hampshire and members of the private sector, nonprofit organizations, and state and local governmental units.

II. To aid New Hampshire businesses, nonprofit organizations, and state and local governmental units by providing access to the facilities and expertise offered by the university of New Hampshire.

III. To address the needs of clients, who may be either public or private organizations, by forming project teams composed of faculty and students of the university of New Hampshire. The purpose of the project teams shall be to find solutions to client problems.

IV. To promote the transfer of technology from the university to New Hampshire businesses and industries.

5 Effective Date. This act shall take effect upon its passage.

HB 77, to require a hearing prior to issuance of certain orders relative to libels for divorce, annulment or a decree of nullity. Refer for Interim Study.

The Committee feels there is a need for further study on this bill. Vote 12-4. Rep. Maureen E. Raiche for Judiciary.

HB 78-FN, increasing the limits on summary administration of small estates. Ought to Pass with Amendment.

The Committee felt that some increase in the limits of summary administration should be enacted to save costs of administration, fees and expenses for the surviving spouse and heirs, but that the proposed limits were too high when compared against controls and accounting procedures for protecting the estate assets and distribution after payment of debts. Vote 16-0. Rep. Frank J. Sylvia for Judiciary.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

increasing the limits on summary administration of small estates.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Small Estates Not Exceeding \$2,000.  
Amend RSA 553:31 as inserted by 1961, 108:1 as amended by striking out said section and inserting in place thereof the following:  
553:31 Administration of Small Estates Not Exceeding \$2,000.

I. If the estate of a deceased person, whether testate or intestate, consists entirely of personal property of a gross value not exceeding \$2,000 and if, after the expiration of 30 days from the date of his death, no petition under any other section of RSA 553 has been filed, his surviving spouse, parent, lineal descendant, brother or sister, or such other person as the judge may think proper, if of legal age and legal capacity and an inhabitant of this state, may file with the probate court in the county in which the deceased was domiciled at the time of his death an affidavit stating that the affiant has undertaken to act as voluntary administrator of such an estate and shall administer the same according to law. The voluntary administrator shall, at the time of filing the affidavit, also file a list of heirs, a report of gifts and transfers under RSA 86:22 with the register of probate and with the department of revenue administration, and a true and perfect inventory of the estate of the deceased. The form of this affidavit and the rules governing proceedings under this section shall be prescribed in the manner provided by RSA 547:33.

II. Upon payment of a fee of \$5, the register of probate shall, if no other petition for administration of such estate is pending, issue an attested copy of the affidavit which shall specify the assets of the estate which the voluntary administrator may collect and which shall constitute sufficient legal authority to all persons owing any money, having custody of any property or acting as register or transfer agent of any evidence of interest, indebtedness, property or right belonging to the estate, as specifically set forth in the affidavit, and to persons purchasing or otherwise dealing with the estate, to make payment or transfer to the affiant with the same effect as if made to a duly appointed personal representative of the deceased person. Out of the assets which the voluntary administrator collects, he shall pay debts and expenses in accordance with RSA 554:19. If any balance remains he shall distribute it either according to the will or, if there is no will, in accordance with RSA 561:1. The voluntary administrator may not take any fee for his services.

III. The voluntary administrator is liable as an executor in his own wrong as provided in RSA 553:17 to all persons aggrieved by his administration, and, if letters testamentary or of administration are later granted, then to the rightful executor or administrator. If personal representative of the deceased person is appointed under any other section of RSA 553, or under any section of RSA 552, the powers of the voluntary administrator shall cease.

IV. If the voluntary administrator uncovers further assets of the estate of the deceased person not originally inventoried, and the additional assets when added to those originally inventoried do not exceed \$2,000, he may file an amended affidavit, and upon payment of an additional fee of \$5, the register of probate shall issue an



attested copy of the amended affidavit setting forth the additional assets. The amended affidavit shall have the same force and effect as the original affidavit filed by the voluntary administrator.

2 Small Estates Exceeding \$2,000.

Amend RSA 553:31-a as inserted by 1967, 428:2 as amended by striking out said section and inserting in place thereof the following:

553:31-a Administration of Small Estates Over \$2,000.

I. If the estate of a person deceased, whether testate or intestate, consists entirely of personal property of a gross value exceeding \$2,000 but not exceeding \$5,000, and the will has been allowed or no petition under any other section of RSA 553 or any section under RSA 552 has been filed, the right to administer shall be as set forth in RSA 553:2 upon such person filing, with the probate court in the county in which the deceased was domiciled at the time of his death, an affidavit stating that the affiant has undertaken to act as executor or voluntary administrator of the estate and shall administer the same according to law. The executor or voluntary administrator shall, at the time of filing the affidavit, also file a personal bond, a list of heirs, a report of gifts and transfers under RSA 86:22 with the register of probate and with the department of revenue administration, and a true and perfect inventory of the estate of the deceased, which shall be incorporated into the affidavit. The form of this affidavit and the rules governing proceedings under this section shall be prescribed in the manner provided by RSA 547:33.

II. Upon approval of the probate court and payment of a fee of \$5, the register of probate shall, if no other petition for administration is pending, issue an attested copy of the affidavit which shall constitute sufficient legal authority to all persons owing any money, having custody of any property or acting as register or transfer agent of any evidence of interest, indebtedness, property or rights belonging to the estate and to persons purchasing or otherwise dealing with the estate, to make payment or transfer to the affiant with the same effect as if made to a duly appointed representative of the deceased person. Out of the assets which the executor or voluntary administrator collects, he shall pay debts and expenses in accordance with RSA 554:19. If any balance remains, he shall distribute it either according to the will or, if there is no will, in accordance with RSA 561:1. The executor or voluntary administrator may not take any fee for his services.

III. A voluntary administrator is liable as an executor in his own wrong as provided in RSA 553:17 to all persons aggrieved by his administration, and, if letters testamentary or of administration are later granted, then to the rightful executor or administrator. If a personal representative of the deceased person is appointed under any other section of RSA 553, or under any section of RSA 552, the powers of the voluntary administrator shall cease. An executor or voluntary

administrator appointed under this section shall render a statement of his administration not later than 180 days from the date of his appointment.

IV. The provisions of this section shall apply to the executor of the small estate in place of those otherwise applicable.

3 Wages Not Exceeding \$2,000. Amend RSA 560:20 as inserted by 1955, 69:1 by striking out in line 2 the words "five hundred dollars" and inserting in place thereof the following (\$2,000) so that said section as amended shall read as follows:

560:20 Payment of Wages to Surviving Spouse. Any wages, salaries or commissions of a deceased person not exceeding \$2,000 due from any employer shall be paid to the surviving spouse of the deceased employee without the necessity of administration of his estate. Provided, however, that the surviving spouse shall first file with the employer an affidavit stating that the person so affirming is the surviving spouse of the deceased employee.

4 Effective Date. This act shall take effect 60 days after its passage.

HB 98, to provide for the referral of cases of serious bodily injury to the attorney general or county attorney. Ought to Pass with Amendment.

This bill will require the Division of Welfare to refer all cases of serious bodily injury to an adult to the office of the Attorney General or to the county attorney. Vote 17-0. Rep. Beverly A. Hollingworth for Judiciary.

Amendment

Amend RSA 161-D:4, II as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

II. The director or his authorized representative shall refer all cases of serious bodily injury to an adult to the office of the attorney general or to the county attorney for possible criminal prosecution. The director or his authorized representative may also report other cases of abuse or cases of exploitation as it deems appropriate, under procedures to be developed jointly by the division of welfare and the attorney general, to the office of the attorney general or to the office of the county attorney for possible criminal prosecution.

HB 99, extending immunity from liability for persons reporting incidents of adult abuse. Ought to Pass with Amendment.

This bill is necessary in order to encourage the making of good faith reports of abuse by removing the fear of unfortunate consequences of a mistaken report. The amendment simply broadens the coverage of the original bill. Vote 17-0. Rep. David E. Cote for Judiciary.

Amendment

Amend RSA 161-D:3-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

161-D:3-a Immunity from Liability. Any person or agency participating in good faith in the making of a report of an alleged incident of adult abuse shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any investigation by the director or his authorized representative or in any judicial proceeding resulting from such report.

HB 186, to limit the categories of persons on whose behalf the division of welfare may seek appointment of guardian or conservator. Ought to Pass with Amendment. This bill will redefine those elderly who the Division of Welfare will seek court appointment for guardians to those elderly in need of protective services due to neglect, exploitation or abuse. Vote 15-1. Rep. Beverly A. Hollingworth for Judiciary.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

to limit the categories of persons on whose behalf the division of welfare may seek appointment of guardian.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Restricting Appointment of Guardian. Amend RSA 161-D:5 (supp) as inserted by 1977, 464:1 by striking out said section and inserting in place thereof the following:  
161-D:5 Guardianship. If all other remedies are exhausted, the director or his authorized representative may seek to have a guardian appointed by the probate court, pursuant to RSA 464-A, for any adult for whom the division of welfare has been providing protective services and for any adult whom the division of welfare determines is in need of protective services due to neglect, exploitation or abuse.

HB 187, to create a presumption in favor of allowing attorneys' fees in civil and equitable actions. Inexpedient to Legislate. The Committee felt that this bill would have a chilling effect on plaintiffs filing meritorious suits. Vote 16-0. Rep. David D. King for Judiciary.

HB 35-FN, requiring notification of status to delinquent permittees. Inexpedient to Legislate.

It is unnecessary to give an extra two days for grocery stores to pay their beer bill beyond the 15 days now allowed before suspension of license. Vote 17-1. Rep. Juanita E. Kashulines for Regulated Revenues.

#### SENATE MESSAGE REQUESTS CONCURRENCE WITH AMENDMENT

HB 2, providing for certain benefits to the widow and estate of Hugh J. Gallen. (Amendment printed SJ 2/17)

Reps. Rounds and Spirou moved that the House concur.

Reps. Matthew Locke and Leslie Burns spoke against the amendment.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)  
YEAS 208 NAYS 146  
YEAS 208

BELKNAP: Dexter, Gary Dionne, French, Nighswander, Randall and Sanders.

CARROLL: Kenneth MacDonald, Murphy and Powers.

CHESHIRE: Barber, Boulter, Eugene Clark, Daniel Eaton, Gordon, Grodin, Lane, Matson, David Meader, Michaelides, Miller, Robert Moore, Parker, Margaret Ramsay, William Riley and William Sullivan.

COOS: Brideau, Harold Burns, Chappell, Chardon, Guay, Horton, David King, Langley, Oleson, Pelletier, Theriault and Valliere.

CRAFTON: Chambers, Copenhaver, Crory, Densmore, Downing, Easton, Girouard, Hutchings, Michael King, Wayne King, LaMott, Mann, Rounds, Stevens, Taffe, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Debora Ahern, Richard Ahern, Ahlgren, Ahrens, Arnold, Baker, Bass, Burkush, Carragher, Cote, Cronin, Crotty, Donovan, Drewniak, Dupont, Durant, Joseph Eaton, Ford, Gagnon, Galway, Grip, Head, Daniel Healy, Michael Jones, Kaklamanos, Katsiaficas, Keefe, Evelyn King, Lamy, John Lawrence, Leclerc, Lefebvre, Lynde, Lyons, Migneault, Morrisette, Nelson, Nickerson, O'Rourke, Parmenter, Marjorie Peters, Pressly, Quinn, Raiche, Peter Ramsey, Resch, Robie, Roy, Russell, Sallada, Leonard Smith, Soucy, Spirou, James Sullivan, Mary Sullivan, Talbot, Tamposi, Vachon, Van Loan, John Wallace, Roger Wallace, Geraldine Watson, Harold Watson, Robert Wheeler, James J. White, M. Arnold Wight, Winn and Zajdel.

MERRIMACK: Bardsley, Bibbo, Laurent Boucher, Cate, Samuel Clark, Daniell, Dean, Degnan, Gross, Mary Holmes, Kidder, LaBranche, Maltais, Pannell, Parrish, Savaria, Stark, Lawrence Sullivan, Trombly and James Whittemore.

ROCKINGHAM: Belanger, Blaisdell, Blanchard, Blanchette, Butler, Carpenito, Cotton, Beverly Gage, Thomas Gage, Gregorio, Hollingworth, John Hynes, Joslyn, Keenan, Kozacka, Leslie, LoFranco, Longworth, Joseph MacDonald, Mace, McLane, Newman, Parr, Popov, Quimby, Rosencrantz, Schwaner, Skinner, Sloan, Sochalski, Spaine, Stimmell, Tavitian, Tufts, Vartanian and Webster.

STRAFFORD: Appleby, Banks, Belhumeur, Bernard, Chisholm, Couture, Demers, Albert Dionne, Fielding, Flynn, Hennessey, Robert Jones, Joos, Kincaid, Pelley, Francis Robinson, Sackett, Schreiber and Whiting.

SULLIVAN: Brodeur, Carlson, Converse, D'Amante, Flint, Irwin, Paul Johnson, Susan Lawrence and Townsend.

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BELKNAP: Bastraw, Birch, Bolduc, Golden, Hardy, Robert Hawkins, Holbrook, Matthew Locke, Pearson, David Whittemore and Zeckhausen.

CARROLL: Ashnault, Chase, Dickinson, Heath, Robert Holmes, Hraba, McIntire and Saunders.

CHESHIRE: Crane, Davis, Elmer Johnson, Morse, Perkins, Perry and Scranton.

COOS: Coulombe and George Lemire.

GRAFTON: Blair, Christy, Duggan, Logan, McAvoy and Stewart.

HILLSBOROUGH: Bergeron, Bolan, Leslie Burns, Charbonneau, Craig, Duffett, Duprey, Clyde Eaton, Fields, Grasso, Harrington, George Hawkins, Walter Healy, Humphrey, Jean, Kashulines, Robert Kelley, Knight, Labombarde, David Lemire, Levesque, Martineau, Howard Mason, Nute, Paradis, Ellen-Ann Robinson, Silva, B. P. Smith, Steiner, Sylvia, Turgeon, Wagner, Ware, Wells, Emma Wheeler, Kenneth Wheeler, Eleanor Whittemore and Lucille Wood.

MERRIMACK: Allgeyer, Anderson, Bowes, Chynoweth, Jacobson, Lewis, McDonnell, Mercier, Nichols, Phelps, Doris Riley, Louise Roberts, William Roberts, Walter Robinson, Rogers, Shepard and Gerald R. Smith.

ROCKINGHAM: Ames, Bangs, Beliveau, Benton, Blake, William Boucher, Burdick, Case, Cressy, Danderson, Day, Drake, Ellyson, Harry Flanders, John Flanders, Greene, Kane, Katsakiores, Glenden Kelley, Roger King, Lovejoy, Malcolm, Robert Mason, William Moore, Nagel, Nevins, Newell, Palumbo, Pevear, Romoli, Schmidtchen, Sherburne, Simon, Stork, Sytek, Vecchione, Walker, Warburton and Woodward.

STRAFFORD: Blouin, Bouchard, Chagnon, Chamberlin, Dingle, Hamel, Hussey, Paul Meader, Musler, Gerald L. Smith, Timm, Franklin Torr and Ralph Torr.

SULLIVAN: Cutting, Gray, Ingram, Quinlan and Reney, and the amendment was adopted.

#### COMMITTEE REPORTS (cont.) (Regular Calendar)

HB 11, making an appropriation for capital improvements. Ought to Pass with Amendment.

The amendment has deleted the state office building (\$11,152,625) and also any reference to the Stickney Avenue Project. It includes a language change but no new appropriation for the Lebanon Airport. Vote 16-3. Rep. William F. Kidder for Appropriations.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Appropriation. The sums hereinafter detailed are hereby appropriated for the projects specified to the department, agencies, and branches named:

#### I. State Prison

##### A. Phase II

(1) Building and site work	\$ 16,304,200
(2) Furnishings and equipment	390,000*
(3) Architectural and engineering fees	326,400
(4) Engineering and contingency	<u>695,500</u>

##### B. Phases III and IV

(1) Design, engineering and construction	<u>\$ 3,403,740</u>
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Total paragraph I \$ 21,119,840

#### II. University of New Hampshire

A. Energy conservation - Phase III \$ 5,250,000

Total paragraph II \$ 5,250,000

#### III. Liquor Commission.

A. Purchase and installation of a Sperry Univac 1100 computer \$ 1,100,000\*

Total paragraph III \$ 1,100,000

\* To be 5 year Bonds

Total state appropriation section one \$ 27,469,840

2 Expenditures; General. The appropriation made for the purposes mentioned in section 1 of this act and the sums available for those projects shall be expended by the trustees, commissions, commissioner, or department head of the institutions and departments referred to herein, provided that all contracts and projects and plans and specifications therefor shall be awarded in accordance with the provisions of RSA 228.

3 Land Acquisition. Any land acquired under the appropriations made in section one shall be purchased by the commissioner of public works and highways with the approval of governor and council.

4 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in section 1 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$27,469,840 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A; provided, however, that the bonds issued for the purpose of paragraphs I, A(2) and III of section 1 of this act shall have a maturity of 5 years from the date of issue.

5 Payments. The payment of principal and interest on bonds and notes issued for the projects in section 1 shall be made when due from the general funds of the state.

6 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

1. To cooperate with and enter into such agreements with the federal government or any agency thereof, as they may deem advisable, to secure federal funds for the purposes hereof.

II. To accept any federal funds which are, or become available for any project under section 1 of this act beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 4 of this act shall be reduced by the same amount.

7 Transfers. The individual project appropriations provided in section 1 of this act shall not be transferred or expended for any other purposes; provided that if there is a balance remaining after an individual project, which is fully funded by state funds, is completed, accepted, and final payment made, said balance or any part thereof may be transferred by governor and council to any other individual project or projects, which are also fully funded by state funds, within the same section and from the same funding source.

8 Reduction of Appropriations and Bonding Authority. If the net appropriation of state funds for any project provided for by section 1 of this act is determined on the basis of an estimate of anticipated federal, local or other funds, and if the amount of such funds actually received or available is less than said estimate, then the total authorized cost for such project and the net appropriation of state funds therefor shall be reduced by the same proportion as the proportion by which federal, local or other funds are reduced. The amount of bonding authorized by section 4 of this act shall be reduced by the amount that the appropriation of state funds is reduced pursuant to this section.

#### 9 Aeronautics Projects, Lebanon Airport.

1. Amend 1978, 49:1, III, B(2) as amended by 1979, 103:10; 1981, 565:14, II; and 1981, 565:14, V by striking out said subparagraph and inserting in place thereof the following:

(2) Phase I of Lebanon Airport	280,000
Less federal	<u>252,000</u>
Net appropriation paragraph (2)	28,000

II. Amend 1978, 49:1, III, B(3) as inserted by 1979, 103:10 as amended by 1981, 565:13, I by striking out said subparagraph and inserting in place thereof the following:

(3) Phase I of Lebanon Airport	100,000
Less federal	<u>90,000</u>
Net appropriation paragraph (3)	10,000

III. Amend 1979, 435:1, III, B(1) as amended by 1981, 565:13, III by striking out said subparagraph and inserting in place thereof the following:

(1) Phase I of Lebanon Airport	200,000
Less federal	<u>180,000</u>
Net appropriation paragraph (1)	20,000**

IV. Amend 1979, 435:1, III, B(2) as amended by 1981, 565:13, III by striking out said subparagraph and inserting in place thereof the following:

(2) Phase I of Lebanon Airport	1,500,000
Less federal	<u>1,350,000</u>
Net appropriation paragraph (2)	150,000

V. The appropriations made by the laws amended in paragraphs I-IV of this section are hereby extended until June 30, 1985, and shall not lapse until that time.

10 Comptroller to Consolidate Appropriations. The comptroller shall combine the following separate capital appropriations into a single appropriation account for the Phase I project at Lebanon airport:

I. 1978, 49:1, III, B(2) as amended by 1979, 103:10; 1981, 565:14, II; and 1981, 565:14, V.

II. 1978, 49:1, III, B(3) as inserted by 1979, 103:10 as amended by 1981, 565:13, I.

III. 1979, 435:1, III, B(1) as amended by 1981, 565:13, III.

IV. 1979, 435:1, III, B(2) as amended by 1981, 565:13, III.

11 Architectural Requirements. No new building authorized by this act shall be constructed without meeting life safety code requirements, handicapped architectural barrier free code requirements and energy conservation code requirements.

12 Effective Date. This act shall take effect upon its passage.

Rep. LaMott explained the amendment.  
Amendment adopted.

Reps. Michael King and Spiro spoke against the committee report.

Rep. Bibbo spoke in favor of the committee report and yielded to questions.

Rep. Ingram spoke in favor of the committee report.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 204 NAYS 149

YEAS 204

BELKNAP: Birch, Dexter, French, Hardy, Robert Hawkins, Holbrook, Pearson, Randall, Sanders, David Whittemore and Zeckhausen.

CARROLL: Ashnault, Chase, Dickinson, Heath, Robert Holmes, Hraba, Kenneth MacDonald, McIntire, Murphy, Powers and Saunders.

CHESHIRE: Eugene Clark, Davis, Daniel Eaton, Gordon, Grodin, Lane, Miller, Robert Moore, Morse, Parker, Perkins, Perry, Margaret Ramsay and Scranton.

COOS: Harold Burns, Chardon, Guay, Horton, David King, Langley, George Lemire and Oleson.

GRAFTON: Blair, Christy, Downing, Easton, Hutchings, LaMott, Logan, Mann, Rounds, Stevens, Stewart, Taffe, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Richard Ahern, Ahlgren, Ahrens, Arnold, Bass, Leslie Burns, Carragher, Charbonneau, Craig, Duffett, Duprey, Fields, Ford, Grasso, Grip, Harrington, George Hawkins, Head, Humphrey, Jean, Michael Jones, Kaklamanos, Kashulines, Keefe, Robert Kelley, Knight, Labombarde, John Lawrence, Leclerc, Levesque, Lynde, Martineau, Howard Mason, Nickerson, Nute, Marjorie Peters, Ellen-Ann Robinson,

Russell, Sallada, B. P. Smith, Leonard Smith, Steiner, Mary Sullivan, Sylvia, Tamposi, Van Loan, Wagner, Ware, Geraldine Watson, Harold Watson, Wells, Emma Wheeler, Kenneth Wheeler, James J. White, Eleanor Whittemore and M. Arnold Wight.

MERRIMACK: Allgeyer, Bibbo, Laurent Boucher, Bowes, Cate, Samuel Clark, Dean, Gross, Mary Holmes, Jacobson, Kidder, McDonnell, Mercier, Nichols, Doris Riley, William Roberts, Walter Robinson, Rogers, Savaria, Shepard, Stark, Lawrence Sullivan and James Whittemore.

ROCKINGHAM: Benton, Blaisdell, Blake, William Boucher, Burdick, Butler, Danderson, Day, Ellyson, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Greene, Gregorio, Joslyn, Kane, Katsakiores, Roger King, Longworth, Lovejoy, Mace, Malcolm, Robert Mason, William Moore, Nagel, Nevins, Newell, Parr, Pevear, Quimby, Scamman, Schmidtchen, Schwane, Skinner, Sloan, Sochalski, Stimmell, Stork, Sytek, Tavitian, Tufts, Vartanian, Vecchione, Walker, Webster and Woodward.

STRAFFORD: Appleby, Chamberlin, Creteau, Dingle, Robert Jones, Kincaid, Paul Meader, Francis Robinson, Sackett, Franklin Torr and Whiting.

SULLIVAN: Cutting, Flint, Gray, Ingram, Quinlan, Reney and Townsend.

NAYS 149

BELKNAP: Bastraw, Bolduc, Bowler, Gary Dionne, Golden, Matthew Locke and Nighswander.

CARROLL: None.

CHESHIRE: Barber, Boulter, Crane, Matson, David Meader, Michaelides, William Riley and William Sullivan.

COOS: Brideau, Chappell, Coulombe, Pelletier, Theriault, Valliere and York.

GRAFTON: Chambers, Copenhaver, Crory, Densmore, Duggan, Girouard, Michael King, Wayne King and McAvoy.

HILLSBOROUGH: Debora Ahern, Baker, Bergeron, Bolan, Burkush, Cote, Cronin, Crotty, Donovan, Drewiak, Dupont, Durant, Clyde Eaton, Joseph Eaton, Gagnon, Galway, Daniel Healy, Walter Healy, Katsiaficas, Evelyn King, Lamy, Lefebvre, David Lemire, Lyons, Migneault, Morrisette, Nelson, O'Rourke, Parmenter, Pressly, Quinn, Raiche, Peter Ramsey, Robie, Roy, Silva, Soucy, Spirou, James Sullivan, Talbot, Turgeon, Vachon, John Wallace, Roger Wallace, Robert Wheeler, Winn, Lucille Wood and Zajdel.

MERRIMACK: Anderson, Bardsley, Chynoweth, Daniell, Degnan, LaBranche, Lewis, Maltais, Pannell, Parrish, Phelps, Louise Roberts, Gerald R. Smith and Trombly.

ROCKINGHAM: Ames, Bangs, Belanger, Beliveau, Blanchard, Blanchette, Carpenito, Case, Cressy, Hollingworth, John Hynes,



Keenan, Glenden Kelley, Kozacka, Leslie, LoFranco, Joseph MacDonald, McLane, Newman, Palumbo, Popov, Romoli, Rosencrantz, Sherburne, Simon, Splaine and Warburton.

STRAFFORD: Banks, Belhumeur, Bernard, Blouin, Bouchard, Chagnon, Chisholm, Couture, Demers, Albert Dionne, Fielding, Flynn, Hamel, Hennessey, Hussey, Joos, Musler, Pelley, Schreiber, Gerald L. Smith, Timm and Ralph Torr.

SULLIVAN: Brodeur, Carlson, Converse, D'Amante, Irwin, Paul Johnson and Susan Lawrence, and HB 11 was ordered to third reading.

Rep. Resch notified the Clerk that he wished to be recorded in favor of HB 11.

HB 117-FN, relative to sunset review of the state board of education - postsecondary education administration and support. Inexpedient to Legislate.

Since HB 53-FN removes the voc-tech system from the Department of Education and establishes a separate board of governors for the system, the Education Committee recommends that HB 117-FN be inexpedient to legislate. The Committee will move to table HB 117-FN until HB 53 becomes law, to ensure that the voc-tech system is not inadvertently sunsetted. Vote 15-0. Rep. Dennis R. Bolduc for Education.

Rep. William Boucher explained the committee report.

Rep. Taffe moved that HB 117 be laid upon the table.  
Adopted.

HB 73-FN, increasing the number of superior court associate justices. Ought to Pass.

Recent statutory changes have resulted in an increased number of appeals to the Superior Court. The Committee agreed that three more judges (for a total of seventeen) are needed to deal with the larger caseload. Vote 20-1. Rep. Donna P. Sytek for Judiciary.

Ordered to third reading.

HB 75, permitting persons to execute terminal care documents. Ought to Pass with Amendment.

This bill permits adults to make their own decision as to whether or not they want extraordinary measures to be taken to prolong their lives when two doctors agree that such action would only postpone death temporarily, rather than prevent it. Testimony in favor was received from representatives of medical organizations and religious groups. The Committee amendment includes the suggestions of the Roman Catholic Diocese of Manchester. Vote 21-1. Rep. Francis E. Robinson for Judiciary.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after RSA 137-G the following new chapter:

#### CHAPTER 137-H TERMINAL CARE DOCUMENT

137-H:1 Purpose and Policy. The state of New Hampshire recognizes that a person as a matter of right, founded in the autonomy and sanctity of the person, may rationally make an election as to the extent of medical treatment he will receive in the event that his physical state reaches such a point of deterioration that he is in a terminal state and there is no reasonable expectation that life can be continued with dignity and without pain.

137-H:2 Definitions. The following definitions shall be applicable in the construction of this chapter:

I. "Attending physician" means the physician selected by, or assigned to the patient, who has primary responsibility for the treatment and care of the patient.

II. "Extraordinary measures" means any medical procedure or intervention which utilizes mechanical or other artificial means to sustain, restore, or supplant a vital function which, in the judgment of the attending physician and a consulting physician, when applied to the patient, would serve only to artificially postpone the moment of death and where, in the judgment of the attending physician and the consulting physician, the patient is in a terminal state.

III. "Terminal care document" means a document which, when duly executed, contains the express direction that no extraordinary measures be taken when the person executing said document is in a terminal state, without hope of recovery from such state and is unable to actively participate in the decision-making process.

IV. "Physician" means a medical doctor licensed to practice in the state of New Hampshire pursuant to RSA 329.

V. "Terminal state" means an incurable condition caused by injury, disease, or illness which, without the application of extraordinary measures, would, within the reasonable medical judgment of the attending physician and a consulting physician, produce death and where application of extraordinary measures would only postpone the moment of death.

137-H:3 Terminal Care Document. A person of sound mind who is 18 years of age or older may execute at any time a document commonly known as a terminal care document, directing that no extraordinary measures be used to prolong his life when he is in a terminal state. The document shall only be effective in the event that the person is incapable of participating in decisions about his care and may, but need not, be in form and substance substantially as follows:

#### DECLARATION

Declaration made this \_\_\_\_\_ day  
of \_\_\_\_\_ (month, year).  
I, \_\_\_\_\_, being  
of sound mind, willfully and voluntarily  
make known my desire that my dying shall not  
be artificially prolonged under the

circumstances set forth below, do hereby declare:

If at any time I should have an incurable injury, disease, or illness certified to be a terminal state by 2 physicians who have personally examined me, one of whom shall be my attending physician, and the physicians have determined that my death will occur whether or not extraordinary measures are utilized and where the application of extraordinary measures would serve only to artificially prolong the dying process, I direct that such measures be withheld or withdrawn, and that I be permitted to die naturally with only the administration of medication or the performance of any medical procedure deemed necessary to provide me with comfort care.

In the absence of my ability to give directions regarding the use of such extraordinary measures, it is my intention that this declaration shall be honored by my family and physicians as the final expression of my right to refuse medical or surgical treatment and accept the consequences from such refusal.

I understand the full import of this declaration and I am emotionally and mentally competent to make this declaration.

Signed \_\_\_\_\_

City, County and State of Residence \_\_\_\_\_

State of \_\_\_\_\_

County of \_\_\_\_\_

On this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, before me, \_\_\_\_\_, the undersigned officer, personally appeared the declarant, known to me (or satisfactorily proven) to be the person whose name is subscribed to in the within instrument and acknowledged that he/she executed the same for the purpose therein contained.

In witness whereof I hereunto set my hand.

\_\_\_\_\_  
Title of Officer.

The declarant has been personally known to us and we believe him or her to be of sound mind.

Witness \_\_\_\_\_

Witness \_\_\_\_\_

Copies of this request have been given to:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

137-H:4 Execution and Witness. The document set forth in RSA 137-H:3 shall be executed by the person making the same in the presence of 2 or more subscribing witnesses, none of whom shall be the person's spouse, heir at law, attending physician or person acting under the direction or control of the attending

physician or any other person who has at the time of the witnessing thereof any claims against the estate of the person, and shall be acknowledged pursuant to the provisions of RSA 456 or RSA 456-A.

137-H:5 Notification; Medical Record. An attending physician who is requested to do so by the person executing the terminal care document shall make the document, or a copy of the document, a part of that person's permanent medical record.

137-H:6 Action by Physician. An attending physician and any other physician under his direction or control, having in his possession his patient's terminal care document, or having knowledge that such a duly executed document is part of the patient's record in the institution in which he is receiving care, shall be bound to follow as closely as possible the dictates of said document. However, if because of moral conflict with the spirit of the act, a physician finds it impossible to follow his patient's directions, he shall forthwith have a duty to so inform his patient.

137-H:7 Revocation.

1. A person who has validly executed a terminal care document consistent with the provisions of RSA 137-H:3 and RSA 137-H:4 may revoke the document in the following manner:

(a) By burning, tearing or obliterating the same or causing the same to be done or by some other person at his direction and in his presence;

(b) By oral revocation in the presence of the attending physician and 2 or more witnesses, none of whom shall be the person's spouse or heir at law; or

(c) By written revocation, to be signed and dated in the presence of 2 or more witnesses none of whom shall be the person's spouse or heir at law, expressing the intent to revoke.

II. Revocation shall become effective upon communication to the attending physician who shall record in the patient's medical record the time and date when he received notification.

137-H:8 Duty to Deliver. Any person having in his possession a duly executed terminal care document or a revocation thereof, if it becomes known to him that the person executing the same is in such circumstances that the terms of the terminal care document might become applicable, shall forthwith deliver the same to the physician attending the person executing said document or to the medical facility in which said person is a patient.

137-H:9 Immunity. An attending physician, other physician, nurse, health care professional or any other person acting for him or under his control, or hospital within which the person may be, shall be immune from any civil or criminal liability for any act or intentional failure to act if said act or intentional failure to act is done in good faith pursuant to the terminal care document and in accordance with the provisions of this chapter.

137-H:10 Suicide. The withholding or withdrawal of life-sustaining procedures or extraordinary measures from a patient who has executed a document consistent with the

purposes of RSA 137-H:3 shall at no time be construed as a suicide for any legal purpose.  
137-H:11 Freedom from Influenza.

I. No physician, health facility, or other health provider, and no health care service plan, insurer issuing disability insurance, self-insured employee welfare benefit plan, or nonprofit hospital service plan, shall require any person to execute a terminal care document as a condition for being insured for, or receiving, health care services; nor can health care or services be refused except as is hereinbefore provided because a person is known to have executed a terminal care document.

11. The execution of a terminal care document pursuant to RSA 137-H:3 shall not affect in any manner the sale, procurement, or issuance of any policy of life insurance, nor shall it be deemed to modify the terms of an existing policy of life insurance. No policy of life insurance shall be legally impaired or invalidated in any manner by the withholding or withdrawal of life-sustaining procedures or extraordinary measures from an insured qualified patient, notwithstanding any term of the policy to the contrary.

137-H:12 Presumptions. This chapter shall not be construed to create a presumption that in the absence of a terminal care document, a person wants extraordinary measures to be taken or that a physician is prevented, with family consultation, from taking whatever measures are medically indicated.

137-H:13 Euthanasia. Nothing in this chapter shall be construed to condone, authorize or approve euthanasia or permit any affirmative or deliberate act or omission to end life other than to permit the natural process of dying as provided in this chapter.

137-H:14 Penalty. Any person who knowingly causes to be made, altered, forged or counterfeited, or procures, aids or counsels the making, altering, forging or counterfeiting of a terminal care document or revocation thereof, shall be guilty of a class B felony, notwithstanding any provisions in Title LXII.

2 Existing Directives. Terminal care documents which have been executed prior to the effective date of this act shall be deemed valid only if such documents comply with the provisions of RSA 137-H as inserted by section 1 of this act.

3 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Rep. Daniel Healy moved that the words, Inexpedient to Legislate, be substituted for the report of the committee, Ought to Pass with Amendment, spoke to his motion and yielded to questions.

Reps. Francis Robinson, Raiche, Hollingworth and Sytek spoke against the motion.

Rep. John Hynes spoke in favor of the motion and yielded to questions.

Reps. Matthew Locke, Shepard and Schwaner spoke in favor of the motion.

Rep. Daniell spoke against the motion and yielded to questions.

Rep. Chardon moved the previous question. Sufficiently seconded. Adopted.

Rep. Daniel Healy requested a roll call. Sufficiently seconded.

(Speaker presiding)  
YEAS 54 NAYS 301  
YEAS 54

BELKNAP: Dexter, Gary Dionne, Golden and Matthew Locke.

CARROLL: None.

CHESHIRE: Boulter, Crane and Elmer Johnson.

COOS: Brideau, Coulombe, Guay and York.

GRAFTON: None.

HILLSBOROUGH: Debora Ahern, Bergeron, Burkush, Leslie Burns, Donovan, Drewniak, Durant, Fields, Gagnon, Grasso, Daniel Healy, Kashulines, Labombarde, Leclerc, Lefebvre, Levesque, Martineau, Paradis, Resch, Mary Sullivan, Turgeon, John Wallace, Emma Wheeler, Robert Wheeler and Winn.

MERRIMACK: Allgeyer, Degnan, LaBranche, Mercier and Shepard.

ROCKINGHAM: Belanger, Danderson, John Hynes, Robert Mason, Romoli, Schwaner, Stork and Tavitian.

STRAFFORD: Kincaid and Musler.

SULLIVAN: Brodeur, Converse and Quinlan.

NAYS 301

BELKNAP: Bastraw, Birch, Bolduc, Bowler, French, Hardy, Robert Hawkins, Holbrook, Nighswander, Pearson, Randall, Sanders, David Whittemore and Zeckhausen.

CARROLL: Ashnault, Chase, Dickinson, Heath, Robert Holmes, Hraba, Kenneth MacDonald, McIntire, Murphy, Powers and Saunders.

CHESHIRE: Barber, Eugene Clark, Davis, Daniel Eaton, Gordon, Grodin, Lane, Matson, David Meader, Michaelides, Miller, Robert Moore, Morse, Parker, Perkins, Perry, Margaret Ramsay, William Riley, Scranton and William Sullivan.

COOS: Harold Burns, Chappell, Chardon, Horton, David King, Langley, George Lemire, Oleson, Pelletier, Theriault and Valliere.

GRAFTON: Blair, Chambers, Christy, Copenhaver, Crory, Densmore, Downing, Duggan, Easton, Girouard, Hutchings, Michael King, Wayne King, LaMott, Logan, Mann, McAvoy, Rounds, Stevens, Stewart, Taffe, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Richard Ahern, Ahlgren, Ahrens, Arnold, Baker, Bass, Bolan, Carragher, Charbonneau, Cote, Craig, Cronin, Crotty, Duffett, Dupont, Duprey, Clyde Eaton, Joseph Eaton, Ford, Galway, Harrington, George Hawkins, Head, Walter Healy, Humphrey, Jean, Michael Jones, Kaklamanos, Katsiaticas, Keefe, Robert

Kelley, Evelyn King, Knight, Lamy, John Lawrence, David Lemire, Lynde, Lyons, Howard Mason, Migneault, Morrisette, Nelson, Nickerson, Nute, O'Rourke, Parmenter, Marjorie Peters, Pressly, Quinn, Raiche, Peter Ramsey, Robie, Ellen-Ann Robinson, Roy, Russell, Sallada, Silva, B. P. Smith, Leonard Smith, Spirou, Steiner, James Sullivan, Sylvia, Talbot, Tamposi, Vachon, Van Loan, Wagner, Roger Wallace, Ware, Geraldine Watson, Harold Watson, Wells, Kenneth Wheeler, James J. White, Eleanor Whittemore, M. Arnold Wight, Lucille Wood and Zajdel.

MERRIMACK: Anderson, Bardsley, Bibbo, Laurent Boucher, Bowes, Cate, Chynoweth, Samuel Clark, Daniel, Dean, Gross, Mary Holmes, Jacobson, Kidder, Lewis, Maltais, McDonnell, Nichols, Pannell, Parrish, Phelps, Doris Riley, Louise Roberts, William Roberts, Rogers, Savaria, Gerald R. Smith, Stark, Lawrence Sullivan, Trombly and James Whittemore.

ROCKINGHAM: Ames, Bangs, Beliveau, Benton, Blaisdell, Blake, Blanchard, Blanchette, William Boucher, Burdick, Butler, Carpenito, Case, Cotton, Cressy, Day, Drake, Ellyson, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Greene, Gregorio, Hollingworth, Joslyn, Kane, Katsakiores, Keenan, Glenden Kelley, Roger King, Kozacka, Leslie, LoFranco, Longworth, Lovejoy, Joseph MacDonald, Mace, Malcolm, McLane, William Moore, Nagel, Nevins, Newell, Newman, Palumbo, Parr, Pevear, Popov, Quimby, Rosencrantz, Scamman, Schmidtchen, Sherburne, Simon, Skinner, Sloan, Sochalski, Splaine, Stimmell, Sytek, Tufts, Vartanian, Vecchione, Walker, Warburton, Webster and Woodward.

STRAFFORD: Appleby, Banks, Belhumeur, Bernard, Blouin, Bouchard, Chagnon, Chamberlin, Chisholm, Couture, Creteau, Demers, Dingle, Albert Dionne, Fielding, Flynn, Hamel, Hennessey, Hussey, Robert Jones, Joos, Paul Meader, Pelley, Francis Robinson, Sackett, Schreiber, Gerald L. Smith, Timm, Franklin Torr, Ralph Torr and Whiting.

SULLIVAN: Carlson, Cutting, D'Amante, Flint, Gray, Ingram, Irwin, Paul Johnson, Susan Lawrence, Renee and Townsend, and the motion lost.

Rep. Durant notified the Clerk that he inadvertently voted yea and meant to vote nay.

Question being on the committee report, Ought to Pass with Amendment.

Ordered to third reading.

The Woodside Petition. Ought to Pass.

The Committee recommends that the House of Representatives direct the Secretary of State to conduct a full recount of the ballots cast for William Woodside and Virginia Banks in Strafford County, District No. 1. The Committee recommends that the House direct that this recount be done without any ballot challenges, since there was adequate opportunity for such challenges during

the recounts. The Committee felt there were procedural infirmities in the recounts that were conducted. The Committee believes one fair and final recount is warranted to settle the previous different outcomes in this election. One final adjudication of this election needs to be conducted with the expertise and integrity of the Secretary of State's Office. Vote 11-4. Rep. Beverly A. Gage for Legislative Administration.

Rep. Rounds moved that the report of the Committee on Legislative Administration be adopted.

Rep. Beverly Gage explained the committee report.

Reps. Chambers, Spirou, Banks and Daniel Healy spoke against the committee report.

Rep. Rounds spoke in favor of the committee report.

A roll call was requested. Sufficiently seconded.

Rep. James J. White abstained from voting under Rule 16.

(Speaker presiding)

YEAS 162 NAYS 191

YEAS 162

BELKNAP: Bastraw, Dexter, French, Robert Hawkins, Holbrook, Matthew Locke, Randall, David Whittemore and Zeckhausen.

CARROLL: Ashnault, Heath, Kenneth MacDonald, McIntire, Powers and Saunders.

CHESHIRE: Davis, Gordon, Grodin, Lane, Robert Moore, Morse, Parker, Perkins, Perry and Scranton.

COOS: Harold Burns, Chardon, Horton and David King.

GRAFTON: Blair, Christy, Downing, Duggan, LaMott, Logan, Mann, McAvoy, Rounds, Stevens, Taffe, Walter, Ward and Weymouth.

HILLSBOROUGH: Ahrens, Arnold, Bass, Bergeron, Bolan, Leslie Burns, Carragher, Charbonneau, Craig, Duffett, Duprey, Clyde Eaton, Fields, Ford, Harrington, George Hawkins, Head, Humphrey, Michael Jones, Keefe, Robert Kelley, Knight, Labombarde, Lefebvre, Martineau, Howard Mason, Nute, Paradis, Marjorie Peters, Ellen-Ann Robinson, Russell, Sallada, B. P. Smith, Leonard Smith, Steiner, Sylvia, Tamposi, Van Loan, Ware, Geraldine Watson, Harold Watson, Emma Wheeler, Kenneth Wheeler and M. Arnold Wight.

MERRIMACK: Bibbo, Laurent Boucher, Bowes, Cate, Dean, Gross, Mary Holmes, Kidder, Lewis, McDonnell, Nichols, Pannell, Phelps, Doris Riley, William Roberts, Rogers, Savaria, Shepard, Gerald R. Smith, Stark and James Whittemore.

ROCKINGHAM: Ames, Bangs, Benton, Blaisdell, William Boucher, Day, Drake, John Flanders, Beverly Gage, Thomas Gage, Greene, Joslyn, Kane, Katsakiores, Roger King, Longworth, Mace, Malcolm, Robert Mason, William Moore, Nagel, Nevins, Palumbo, Parr, Quimby,



Romoli, Scamman, Schmidtchen, Sherburne, Simon, Skinner, Sloan, Stimmell, Sytek, Tavitian, Tufts, Vartanian, Vecchione, Walker, Webster and Woodward.

STRAFFORD: Appleby, Chamberlin, Hussey, Robert Jones, Francis Robinson, Gerald L. Smith, Franklin Torr and Whiting.

SULLIVAN: Flint, Gray, Ingram, Quinlan and Townsend.

NAYS 162

BELKNAP: Birch, Bolduc, Bowler, Gary Dionne, Golden, Hardy, Nighswander, Pearson and Sanders.

CARROLL: Chase, Robert Holmes, Hraba and Murphy.

CHESHIRE: Barber, Boulter, Eugene Clark, Crane, Daniel Eaton, Elmer Johnson, Matson, David Meader, Michaelides, Miller, Margaret Ramsay, William Riley and William Sullivan.

COOS: Brideau, Chappell, Coulombe, Guay, Langley, George Lemire, Oleson, Pelletier, Theriault, Valliere and York.

GRAFTON: Chambers, Copenhaver, Crory, Densmore, Easton, Girouard, Hutchings, Michael King, Wayne King, Stewart and Whitcomb.

HILLSBOROUGH: Debora Ahern, Richard Ahern, Ahlgren, Baker, Burkush, Cote, Cronin, Crotty, Donovan, Drewniak, Dupont, Durant, Joseph Eaton, Gagnon, Galway, Grasso, Daniel Healy, Walter Healy, Jean, Kaklamanos, Kashulines, Katsiaficas, Evelyn King, Lamy, John Lawrence, Leclerc, David Lemire, Levesque, Lynde, Lyons, Migneault, Morrisette, Nelson, Nickerson, O'Rourke, Parmenter, Pressly, Quinn, Raiche, Peter Ramey, Resch, Robie, Roy, Silva, Spirou, James Sullivan, Mary Sullivan, Talbot, Turgeon, Vachon, Wagner, John Wallace, Roger Wallace, Wells, Robert Wheeler, Eleanor Whittemore, Winn, Lucille Wood and Zajdel.

MERRIMACK: Allgeyer, Anderson, Bardsley, Chynoweth, Samuel Clark, Daniell, Degnan, Jacobson, LaBranche, Maltais, Mercier, Parrish, Louise Roberts, Lawrence Sullivan and Trombly.

ROCKINGHAM: Belanger, Beliveau, Blake, Blanchard, Blanchette, Burdick, Butler, Carpenito, Case, Cotton, Cressy, Danderson, Ellyson, Harry Flanders, Gregorio, Hollingworth, John Hynes, Keenan, Glenden Kelley, Kozacka, Leslie, LoFranco, Lovejoy, Joseph MacDonald, McLane, Newell, Newman, Pevear, Popov, Rosencrantz, Schwaner, Sochalski, Splaine, Stork and Warburton.

STRAFFORD: Banks, Belhumeur, Bernard, Blouin, Bouchard, Chagnon, Chisholm, Couture, Creteau, Demers, Dingle, Albert Dionne, Fielding, Flynn, Hamel, Hennessey, Joos, Kincaid, Paul Meader, Musler, Pelley, Sackett, Schreiber, Timm and Ralph Torr.

SULLIVAN: Brodeur, Carlson, Converse, Cutting, D'Amante, Irwin, Paul Johnson, Susan Lawrence and Reney, and the committee report lost.

HB 207, making an appropriation to enable the New Hampshire hospital to purchase electrical power. Ought to Pass.

Enactment of this bill will result in significant savings to the state approximating one million dollars per year. Vote 17-0. Rep. Charles M. Nute for Public Works.

Referred to Appropriations.

HB 214, authorizing a feasibility study for connecting I-393 with the Spaulding turnpike and making an appropriation therefor. Ought to Pass.

Due to growing volume of traffic and anticipated further growth of the route 4 corridor it is recommended that the feasibility of a limited access highway be studied. Vote 17-1. Rep. Charles M. Nute for Public Works.

Referred to Appropriations.

Rep. Rounds offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, Senate Bill numbered 19-FN shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

#### INTRODUCTION OF SENATE BILL

First, second reading and referral

SB 19-FN, establishing the Hampton Leased Land Real Estate Commission. (Municipal and County Government)

#### ENROLLED BILLS AMENDMENT

HB 14, relative to the setting of deer season.

#### Amendment

Amend RSA 208:2 as amended by section 1 of the bill by striking out line 6 and inserting in place thereof the following:

subject to the conditions specified in RSA 208:3, 3-a, 3-b, 3-c, 4, 6-a

The amendment corrects a typographical error resulting in an omission from the current text of RSA 208:2.

Adopted.

#### SENATE MESSAGES CONCURRENCE

HB 19, allowing publications required to be deposited with the state library to be deposited at no cost to the state library.

HB 21, authorizing the establishment of the Electric Light Department Trust in New Ipswich.

HB 67, exempting real and personal property of Granges from taxation.



HB 141-FN, relative to sunset review of the safety department - division of state police.

HB 150-FN, relative to sunset review of the department of public works and highways - construction and reconstruction.

#### NONCONCURRENCE

HB 65, clarifying and amending the language of RSA 36:24-a.

#### CONCURRENCE

HCR 6, inviting Chief Justice King to address a Joint Convention on the state of the judiciary.

HCR 7, memorializing Leon W. Anderson of Concord.

HCR 4, adopting Joint Rules for the 1983 session.

#### REQUESTS CONCURRENCE

SCR 2, urging the Congress of the United States to amend the United States Constitution to prohibit federally mandated programs without federal funds.

SCR 3, memorializing Jean S. Tufts.

Rep. Soucy offered the following:

#### HOUSE RESOLUTION NO. 24

memorializing former Representative Charles A. Soucy of Manchester.

WHEREAS, we have learned with sorrow of the death of former Representative Charles A. Soucy, and

WHEREAS, Charles Soucy served in the 1967 legislative session as an honored member of the House Standing Committee on Transportation, and

WHEREAS, he served his community faithfully and with efficiency as a twenty-eight-year member of the Manchester Police Force, a former secretary-treasurer of the Manchester Retired Police Relief Association, a former Ward 12 selectman and as a former deputy sheriff for Hillsborough County, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that expressions of sympathy be extended to his wife, Bernadette, and family, and be it further

RESOLVED, that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

Rep. Benton, for the Rockingham County Delegation, offered the following:

#### HOUSE RESOLUTION NO. 25

memorializing former Representative Margaret A. Griffin of Auburn.

WHEREAS, we have learned with sorrow of the death of former Representative Margaret A. Griffin, and

WHEREAS, having served twelve terms in the House from 1949 to 1971, Margaret Griffin was an honored member of the Standing Committees on Education, Judiciary and Executive Departments and Administration, and

WHEREAS, she served her community faithfully and with efficiency as a member of the Ladies Auxiliary of the Auburn Volunteer Fire Department, trustee of the Griffin Free Public Library, a former town auditor, former school board member, past treasurer of the New Hampshire Order of Women Legislators and a member of the Constitutional Conventions of 1948, 1956 and 1964, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that expressions of sympathy be extended to her son, David, and daughter, Ethel, and be it further

RESOLVED, that a suitable copy of this Resolution be prepared for presentation to her family.

Unanimously adopted by a rising vote of silent prayer.

Rep. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourn today it be to meet Thursday, March 10 at 1:00 p.m.

Adopted.

#### LATE SESSION

Third reading and final passage

HB 122-FN, relative to sunset review of the higher education fund - U.N.H. continuing education.

HB 123-FN, relative to sunset review of the higher education fund - industrial and institutional development.

HB 78-FN, increasing the limits on summary administration of small estates.

HB 98, to provide for the referral of cases of serious bodily injury to the attorney general or county attorney.

HB 99, extending immunity from liability for persons reporting incidents of adult abuse.

HB 186, to limit the categories of persons on whose behalf the division of welfare may seek appointment of guardian.

HB 11, making an appropriation for capital improvements.

HB 73-FN, increasing the number of superior court associate justices.

HB 75, permitting persons to execute terminal care documents.

#### UNANIMOUS CONSENT

Reps. Daniel Healy and Banks addressed the House by unanimous consent.

Rep. Rounds moved that the House stand in recess for the purpose of Introduction of Bills only.

Adopted.

The House recessed at 3:47 p.m.

# RECESS

(Speaker Pro Tem in the Chair)

Rep. Parr offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 335 through 365, and Concurrent Resolution Proposing Constitutional Amendment numbered 9, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS AND CACR

First, second reading and referral

HB 335, relative to the eminent domain powers of housing authorities. (Quimby of Rockingham Dist. 7; Campbell of Rockingham Dist. 20 - To Commerce, Housing and Consumer Affairs)

HB 336, to permit local authorities to lower speed limits in thickly settled areas. (Skinner of Rockingham Dist. 21; Mace of Rockingham Dist. 21 - To Transportation)

HB 337, relative to cross-industry interstate banking and equalization of New Hampshire banking institutions. (Kaklamanos of Hillsborough Dist. 26; Demers of Strafford Dist. 9; Soucy of Hillsborough Dist. 35; Gage of Rockingham Dist. 20; Scamman of Rockingham Dist. 19; King of Grafton Dist. 12; Freese of Dist. 4; Poulsen of Dist. 2; Champagne of Dist. 20 - To Commerce, Housing and Consumer Affairs)

HB 338-FN, relative to fees collected by the registers of deeds in Carroll and Coos counties. (MacDonald of Carroll Dist. 6 - To Municipal and County Government)

HB 339-FN, to allow the town of Ossipee to lease the Summer Brook Rearing Station for town purposes. (Powers of Carroll Dist. 5; Dickinson of Carroll Dist. 2; Lewis of Merrimack Dist. 5; Heath of Carroll Dist. 4 - To Resources, Recreation and Development)

HB 340, establishing a judicial selection commission to recommend at least 3 candidates for all judicial appointments. (Kaklamanos of Hillsborough Dist. 26; Jacobson of Merrimack Dist. 2 - To Judiciary)

HB 341-FN, consolidating the office space study committee with the capital planning committee. (Bibbo of Merrimack Dist. 3; LaMott of Grafton Dist. 5; McLane of Dist. 15 - To Legislative Administration)

HB 342-FN, relative to increasing the maximum locally imposed fine for violation of a local bylaw. (Gregorio of Rockingham Dist. 5; Flanders of Rockingham Dist. 5; Bartlett of Dist. 19 - To Municipal and County Government)

HB 343, relative to enforcing water purity laws. (Blair of Grafton Dist. 8 - To Municipal and County Government)

HB 344-FN, relative to school building aid for the Conway school district. (Dickinson of Carroll Dist. 2; Murphy of Carroll Dist. 2; Ashnault of Carroll Dist. 2 - To Education)

HB 345, relative to the duty of school boards to provide education. (Boucher of Rockingham Dist. 23 - To Education)

HB 346, relative to permanent applications for tax exemptions. (Hardy of Belknap Dist. 4; Parr of Rockingham Dist. 17 - To Municipal and County Government)

HB 347-FN, relative to expenditures made by department of fish and game for search and rescue missions. (Pantelakos of Rockingham Dist. 24; Dickinson of Carroll Dist. 2; French of Belknap Dist. 4; Wiggins of Dist. 8 - To Fish and Game)

HB 348, prohibiting municipalities from subcontracting for police and fire protection. (Wallace of Hillsborough Dist. 32 - To Municipal and County Government)

HB 349-FN, providing restitution to the state for illegal taking or possessing game animals, game birds and fur bearing animals. (Chagnon of Strafford Dist. 2; Dionne of Strafford Dist. 5 - To Fish and Game)

HB 350, prohibiting political advertising from being displayed on law enforcement and government vehicles. (Cressy of Rockingham Dist. 16; Kelley of Rockingham Dist. 7; Rosencrantz of Rockingham Dist. 15 - To Statutory Revision)

HB 351-FN, relative to the expenses of trustees of trust funds. (Knight of Hillsborough Dist. 6 - To Municipal and County Government)

HB 352-FN, to repeal the timber tax. (Johnson of Cheshire Dist. 3 - To Municipal and County Government)

HB 353, relative to muskrat houses. (Dickinson of Carroll Dist. 2; Heath of Carroll Dist. 4 - To Fish and Game)

HB 354, relative to increasing the legal length for taking lobster. (Drake of Rockingham Dist. 18 - To Fish and Game)

HB 355, relative to the advertising and selling of cordwood and firewood. (Wheeler of Hillsborough Dist. 10 - To Commerce, Housing and Consumer Affairs)

HB 356, repealing certain statutes relative to fish and game matters. (Drake of Rockingham Dist. 18 - To Fish and Game)

HB 357, relative to the acquisition of a dam in disrepair by a town or village district and proceedings before the water resources board. (Burdick of Rockingham Dist. 7; Malcolm of Rockingham Dist. 17 - To Resources, Recreation and Development)

HB 358, relative to degree granting authority. (O'Rourke of Hillsborough Dist. 31; Case of Rockingham Dist. 6; Nelson of Hillsborough Dist. 28 - To Education)

HB 359, transferring administration of old age and survivors insurance from the division of welfare to the state treasurer. (Craig of Hillsborough Dist. 3 - To Health and Welfare)

HB 360, relative to the elimination of the 70 mph absolute speed limit. (Driscoll of Grafton Dist. 8; Kincaid of Strafford Dist. 7; Whittemore of Belknap Dist. 12 - To Transportation)

HB 361, requiring the checklist used at any state election to include the full name, address, and political affiliation of each voter. (Sytek of Rockingham Dist. 20; Whittemore of Merrimack Dist. 10; Ahrens of Hillsborough Dist. 13; Stabile of Dist. 12 - To Statutory Revision)

HB 362, allowing certain candidates to work as election officials. (Sytek of Rockingham Dist. 20; Stabile of Dist. 12 - To Statutory Revision)

HB 363, relative to blind voters. (Sytek of Rockingham Dist. 20; Stabile of Dist. 12 - To Statutory Revision)

HB 364, relative to providing scheduled recertification elections for collective bargaining units. (Dickinson of Carroll Dist. 2 - To Labor, Human Resources and Rehabilitation)

HB 365, making the killing of a guard dog a class B felony. (Simon of Rockingham Dist. 9; Danderson of Rockingham Dist. 11 - Municipal and County Government)

CACR 9, relating to succession to the office of governor and the taking of the oath of office by the governor. Providing that the legislature provide for the election of a new governor to fill the unexpired term of a governor who dies, resigns or is declared unable to continue in office, and that no person who temporarily succeeds to the office of governor shall forfeit his elective office, that a justice of a New Hampshire court shall administer the oath of office to a newly-elected governor. (Sackett of Strafford Dist. 4; Fields of Hillsborough Dist. 13 - To Constitutional Revision)

#### RECESS

(Speaker Pro Tem in Chair)

Rep. Sallada offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 366 through 371, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 366-FN, establishing a joint administrative rules committee. (Townsend of Sullivan Dist. 1; Mace of Rockingham Dist. 21; Carragher of Hillsborough Dist. 22; Chambers of Grafton Dist. 12; Lessard of Dist. 21; Carswell of Dist. 9; Wiggins of Dist. 8 - To Executive Departments and Administration)

HB 367-FN, establishing a legislative dam management review committee. (Miller of Cheshire Dist. 1; Lamprey of Belk. 1 - To Resources, Recreation and Development)

HB 368-FN, relative to a non resident minor's fishing license. (Chagnon of Strafford Dist. 2 - To Fish and Game)

HB 369-FN, relative to the exportation of livestock, poultry and the grading, marking and sale of eggs. (Campbell of

Rockingham Dist. 20 - To Environment and Agriculture)

HB 370, permitting a person to be the candidate for only one party. (Sytek of Rockingham Dist. 20; Whittemore of Merrimack Dist. 10; Ahrens of Hillsborough Dist. 13; Boyer of Dist. 13 - To Statutory Revision)

HB 371, relative to state party conventions. (Sytek of Rockingham Dist. 20 - To Statutory Revision)

Rep. Sallada offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, Senate bills numbered 8, 9, 10, 13, 26 and SCR 2, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF SENATE BILLS AND SCR

First, second reading and referral

SB 8, relative to large town water pollution grants. (Resources, Recreation and Development)

SB 9, relative to the penalty for killing dogs. (Fish and Game)

SB 10-FN, revising the park boundary line of Hilton State Park. (Public Works)

SB 13, relative to increasing the fee for a pheasant stamp; changing the season for taking pheasants; and repealing the limitation on stocking pheasants. (Fish and Game)

SB 26, relative to the membership of the postsecondary education commission. (Education)

SCR 2, urging the Congress of the United States to amend the United States Constitution to prohibit federally mandated programs without federal funds. (State-Federal Relations)

#### RECESS

(Speaker Pro Tem in Chair)

Rep. Harold Burns moved that the House adjourn.

Adopted.

# HOUSE JOURNAL 10

*Thursday, 10Mar83*

The House assembled at 1:00 p.m., and was called to order by the Speaker Pro Tem.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

While many triangular relationships give us fits, dear Heavenly Father, we have learned to draw strength from the division of our government into its branches of Legislative, Judicial and Executive. Help us keep in mind that the common roots of these three branches are in and draw deeply from the wells of Your wisdom and authority. Make us mindful that we work together, that we hold one another accountable and responsible to give our best. Being thus yoked together, may we provide leadership to create peaceful living conditions within our State. Amen.

Rep. Francis Donovan led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Connors, Waldron, Zajdel, Zimmerman, Stimmell, Gregorio, Degnan, Cutting, Walter Robinson, Helene Donnelly and Sherburne, the day, illness.

Reps. Scamman, Cate, Galloway, Raymond Wood, Spirou, Stylianos, Horton and Rounds, the day, important business.

## INTRODUCTION OF GUESTS

Mrs. David Whittemore and Mr. and Mrs. Herbert Noyes, wife and guests of Rep. David Whittemore; Seventh grade students and their teacher, Miss Fortin, from St. John's Regional School in Concord and John Roberts, guests and son of Rep. Louise Roberts; Joshua S. Milne, guest of Rep. Gross; Mr. and Mrs. George Gosselin, guests of Rep. Benton and the Committee on Public Protection and Veterans Affairs; William Burden, guest of Rep. Ware.

## THREE LEGISLATIVE DAY EXTENSIONS GRANTED

HB 69, relative to the membership of the bulk power supply facility site evaluation committee.

HB 171, relative to current use assessment.

Rep. Harold Burns moved that the Honorable Senate be notified that the House of Representatives would be ready to meet the Senate in Joint Convention at 1:20 p.m.

for the purpose of hearing Chief Justice King's address on the state of the judiciary. Adopted.

## RECESS

Rep. Harold Burns offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 372 through 382, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 372-FN, relative to property tax bills. (Easton of Grafton Dist. 11; Downing of Grafton Dist. 11 - To Municipal and County Government)

HB 373, permitting properly registered OHRVs to operate on certain designated roads and trails. (Galway of Hillsborough Dist. 30 - To Fish and Game)

HB 374, relative to home rule for siting hazardous waste facilities. (Spirou of Hillsborough Dist. 31; Boucher of Merrimack Dist. 9; Keenan of Rockingham Dist. 14; Hollingworth of Rockingham Dist. 17 - To Science and Technology)

HB 375-FN, establishing the special study commission on comparable worth in state employment. (Leslie of Rockingham Dist. 20; Krasker of Rockingham Dist. 25; Skinner of Rockingham Dist. 21; Barber of Cheshire Dist. 17; Allen of Dist. 3 - To Labor, Human Resources and Rehabilitation)

HB 376-FN, relative to obtaining a commercial kennel license. (Dickinson of Carroll Dist. 2 - To Commerce, Housing and Consumer Affairs)

HB 377, relative to emergency action plans for dams. (Dingle of Strafford Dist. 4 - To Resources, Recreation and Development)

HB 378, relative to protection for owners of cars being repaired. (Danderson of Rockingham Dist. 11 - To Commerce, Housing and Consumer Affairs)

HB 379, to require dealers to display sticker prices on trucks. (Danderson of Rockingham Dist. 11 - To Commerce, Housing and Consumer Affairs)

HB 380, relative to reports required to be filed by certain political committees. (Rounds of Grafton Dist. 10 - To Statutory Revision)

HB 381, legalizing the name "Contoocook Village Precinct" and legalizing the special meeting of that precinct held on December 29 and 30, 1982. (Lewis of Merrimack Dist. 5 - To Municipal and County Government)

HB 382, adding members to joint committee on employment relations. (Skinner of Rockingham Dist. 21 - To Labor, Human Resources and Rehabilitation)

## INTRODUCTION OF GUESTS

Lewis Barton and Curtis Lawson, two young inventors who have accumulated ten patents to their credit, guests of the House.



JOINT CONVENTION  
(Speaker Pro Tem presiding)

The Speaker Pro Tem introduced the Honorable John W. King, Chief Justice of the New Hampshire Supreme Court, who reported to the Convention on the state of the Judiciary.

Mr. Speaker, Madam President, His Excellency the Governor, and honorable members of the Senate and the House of Representatives:

On behalf of the judiciary of this state, I am pleased and appreciative that you have invited me as Chief Justice of the Supreme Court to speak to a joint session of the Legislature, on such statutory proposals as are deemed necessary to improve the administration of justice in New Hampshire.

This report serves a very important purpose. It affords the judicial branch of government a special and formal opportunity to thank a co-equal branch of government for their past support, and also acquaints you with our contemporary problems and plans to discharge our constitutional responsibilities to the people of New Hampshire, in providing a fair, just and efficient state judicial system.

I know that few statistics can raise or sustain any interest. Consequently, while I have examined pages of statistics, I shall refrain from boring you with them and just give you some statistical highlights.

Let us first look at what has happened to our courts in the last fifteen years. Starting with the District Court, the first full-time District Court was established in 1964. We now have eight District Courts, with eleven full-time judges. In 1967 some 65,000 cases were processed by the district and municipal courts. In 1982 over 283,000 cases were processed by those courts -- a fourfold increase:

In 1967 the Superior Court was composed of the Chief Justice and seven Associate Justices. That Court now consists of a Chief Justice and fourteen associate justices. In 1967 over 13,600 cases were processed by the Superior Court. By 1982 over 32,000 cases were processed by the Superior Court. In 1967 the Superior Court Clerk in each county also served as a master hearing cases. During 1974 to 1976 the majority of Clerks of Court were phased out as masters, and by 1982 there were nine marital masters and eight regular masters. The cost for masters for 1982 was \$376,000 -- a cost borne by all the counties.

Without the master system the Superior Court would be hopelessly bogged down, if not inundated, by civil lawsuits. A recent report of the National Center for State Courts indicates that 65,476 civil cases were filed in all courts in New Hampshire in 1981, an average of 70 cases per 1000 people. This makes us the tenth most litigious state in the nation on a per capita basis, including the District of Columbia. We are ahead of California and far ahead of New York which had only 45.1 civil cases filed per 1000 people.

Most of these civil cases will be handled by masters who are screened by the Bar Association and appointed by the Superior Court. Although they are qualified

and able, and acting in a judicial role as quasi-judges, they have never been nominated by the Governor nor confirmed by the Executive Council. The next day after hearing a civil case they are free to walk into the same courthouse, and practice law in the same court as private attorneys. We have proposed the addition of ten Superior Court Justices in House Bill 200 in order to eliminate the extensive use of masters. In addition, I would note that the constitutionality of the master system is presently under challenge in cases pending before the Supreme Court.

In 1967 the Supreme Court consisted of the Chief Justice and four Associate Justices, the same number the Supreme Court has presently and has had for a century or so. The Supreme Court in 1967 issued 106 opinions, compared to 1982 when 272 opinions were issued, almost three times as many. We now have five research law clerks, no staff attorney, and no private secretaries for any Supreme Court Justice. However, I would say that our small staff of office personnel and law clerks, who are both cooperative and diversified in their cross training, are equal to the best of their governmental or private business counterparts.

I know that the question of cost by now has arisen in your minds, as well as what federal aid or affirmative acts the courts can take to meet rising costs. I can tell you that there is no more LEAA or any other federal funds available for our state courts.

We have, however, tried to do our part. In December of 1981, the Supreme Court issued an administrative order establishing a uniform fee schedule for all courts. This order had the effect not only of creating entry fees in the Probate Court for the first time, but also of raising fees for all courts. As a result of this order total court fees rose from \$860,000 in 1981 to approximately \$1,560,000 in 1982, an 80% increase. In issuing that administrative order, the court attempted to both update the fees and to make them more reflective of the work involved. We are troubled, however, by the fact that we should not raise fees to the point that we effectively deny the law abiding poor or middle class access to their own courts. Many others, including the President of the Senate, Vesta M. Roy, have expressed the same concern.

Let us now turn to our continuing pursuit of judicial excellence through continuing education. During the past two years, in addition to coordinating 13 in-state judicial education conferences, court personnel have participated in the courses offered by the National Judicial College, the Appellate Judges Seminar, the American Academy of Judicial Education and various ABA programs. The Supreme Court also provided staff to work with the New Hampshire Judges' Association to publish a 250-page New Hampshire District and Municipal Court Benchbook, a first in our state.

The members of your Supreme Court have involved themselves with the Court Accreditation Committee and are seeking much needed legislation indispensable to proper allocation of court facility escrow funds.



The Justices participated actively in the Friends of the Law library, an impressive group of non-paid talent interested in assisting our state librarian, Shirley G. Adamovich, in helping the law library become a viable law library enjoying the national reputation it once enjoyed but which is now seriously jeopardized by lack of funds.

Moving over for quick reference to automation in the courts, at present four courts in New Hampshire are using computers to improve the efficiency of court clerical operations. These courts are the Supreme Court, Belknap County Superior Court, Merrimack County Superior Court, and Nashua District Court. Additionally, efforts are being completed to computerize the state's largest court, the Hillsborough County Superior Court, and to install microprocessors to streamline accounting procedures in 15 district courts.

In considering the problems of the courts at all levels, we must acknowledge the suggestion and help of many groups. I appreciate the help of my fellow justices Maurice P. Bois, Charles G. Douglas, III, David A. Brock, and William F. Batchelder; Superior Court Chief Justice Richard P. Dunfee and his Associates, particularly Joseph A. DiClerico and William F. Cann; the Director of Administrative Services, Jeffrey W. Leiding; the Executive Director of the Administrative Committee of District and Municipal Courts, Craig E. Briggs; and the Coordinator of Judicial Education, Thomas T. Barry; the Judicial Council, your select committee on a unified court system; the New Hampshire Judges' Association, the members of our planning conference, especially Harry V. Spanos, Douglas S. Hatfield, Albert D. Leahy, Jr., Richard E. Galway, Jr., William A. Baker, John M. Safford, and many other individuals such as Speaker John B. Tucker; President of the Senate Vesta M. Roy; Chairman and Vice Chairman of the House Judiciary Committee Donna P. Sytek and Kendall W. Lane; Sen. Norman E. Champagne; the House Appropriations Committee; former President of the New Hampshire Bar David L. Nixon; and many others worthy of specific mention if time permitted. Further I would note that we outlined our legislative proposals to Governor Sununu and while we neither sought nor obtained commitments, we were greeted with graciousness, understanding and a knowledgeable perception of our problems and our goals.

Following a long-range planning conference conducted by the Supreme Court in December of 1982, plus the contributions of the above-named groups and individuals, several legislative proposals have been prepared to address the goals and meet the standards agreed upon at the conference. Included in the Legislative package, which is the first comprehensive and coordinated attempt by the Judiciary branch to effect legislative reform, are increases in District Court Civil Jurisdiction; elimination of *de novo* trials in violation and juvenile cases; increases in the maximum amount of fines for violations and misdemeanors; administrative processing of uncontested motor vehicle violations not involving personal injury; creation of a

judicial compensation commission to review and recommend changes in judicial salaries and in the methods of computing salaries; increasing the number of Superior Court Judges to facilitate the elimination of the "Master" system; and finally and of great importance, transfer of court financing from the current hybrid system of state, county, and local funding to state financing.

House Bill 200 is one of the most important bills on the Judiciary that has ever been introduced in the Legislature. It provides for a major restructuring of your judicial branch of government. Its ultimate purpose is to place the full responsibility of operating the courts on the state -- where it belongs -- instead of perpetuating the hodge podge system in existence today. We must remember that all courts are part of the judicial branch of state government.

House Bill 200 would reduce 80 different court budgets into one integrated budget. It provides uniform health care and retirement benefits for all judicial branch personnel and for the first time implements a uniform judicial personnel system.

The bill provides for a new plea-by-mail system for routine minor traffic offenses, not of course including DWI cases, with a uniform standard fine schedule. It thereby eliminates different fines in different courts for the same uncontested offense.

It will take ten new Superior Court Justices to phase out the present master system and stay current with rising caseloads. As I mentioned earlier, last year the masters cost the counties \$376,000. Like all financing bills, the task is not pleasant, but if the courts are to perform as courts and judges are to hear significant civil cases and perform all judicial functions, civil as well as criminal, then this number of justices is required.

House Bill 200 provides funding and makes the statutory changes to create a state-funded court system in a two-step process. On January 1, 1984, most court revenues would be transferred to the state, and the state would assume all costs for all court personnel. Later that year, on July 1, 1984, the state would assume all operating costs for the courts, except for court facilities, i.e., buildings. Money to develop a facilities plan will be sought in the capital budget.

The burden on our counties and the local property taxpayer will decline from the 1982 level of \$5,300,000 to roughly half that figure by the end of Fiscal Year 1985. Initially, this will provide property tax relief of about 2.5 million dollars. It is hoped that by the next biennium local court expense, exclusive of facility costs, will be reduced to zero as complete state absorption occurs. In the meantime, the ten counties would be assessed based upon population in Fiscal Year 1985 an amount not to exceed \$2,750,000. It is estimated that \$12,000,000 in fines and fees will be collected in Fiscal Year 1985 by the courts statewide against total expenses of approximately \$18,000,000. After deducting the \$2,750,000 county assessment for Fiscal 1985, a shortfall of 3.3 million dollars would have to be made up by the state.

Assuming that no other funding source is available, we propose using highway funds to bridge the gap between fine and fee income on the one hand, and court expense on the other. This is currently done for that percentage of Superior Court time devoted to highway-related cases. At the District Court level 69% of all cases are highway related. The work of these courts is a necessary element in having our state continue to qualify for federal highway aid.

New Hampshire will receive increasing amounts of federal highway funds in the next few years. In fiscal 1983 the amount is an estimated \$41,000,000; in 1984, \$57,000,000 and in fiscal 1985 it is \$60,000,000. Also significant is the fact that President Ronald Reagan recently and commendably signed legislation to help curb drunken driving (DWI) by allocating \$125,000,000 to persuade the states to stiffen their DWI laws. This law will transfer money in the next two years from the Federal Highway Trust Fund to states that meet a rigid four-part plan for reducing alcohol-related traffic deaths.

I submit to you that the protection and improvement of a viable New Hampshire judicial system, before any emergency or crisis occurs, meets the same level of importance as our resolution to get the drunks off the road or of the necessity of providing adequate penal facilities for convicted felons. New Hampshire now spends less than half of one percent of its budget on the judicial branch of government. I read last week that the proposed judicial budget in Massachusetts amounts to 2.8% of its total revenue and the total appropriations for the courts in Maine about 1% of the state budget, an astonishing differential between our neighboring states.

And now as I say the important and almost unanimously abused two words, "in conclusion," I know that to balance the budget, to pay for the costs of progressively increasing demands for welfare and education and corrections, to meet emergencies and prepare for the future, and to allocate these priorities among the different areas of government, puts the utmost strain upon your legislative functions in providing for the resources and determining the priorities. With such awareness we nevertheless feel that the time has come when the Judiciary should present you with the scope of our problems and let you know what monumental issues we face with both inadequate staffing and an insufficient number of judges.

We cannot do it ourselves. We can provide the figures and outline the financing and planning beforehand, but we cannot meet the serious and awesome problems that the judicial branch of government will face in the next few years without your help.

I thank you for your kindness and your cordial attention. We look forward to working with you this session.

Sen. Champagne and Rep. Sytek moved that Chief Justice King's remarks be printed in the Journal.

Adopted.

Sen. Stabile and Rep. Harold Burns moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

## HOUSE

(Speaker Pro Tem presiding)

Rep. Harold Burns moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 190-FN, to provide for payment of ambulance service in unincorporated areas was removed from the Consent Calendar at the request of Rep. Skinner.

HB 179, authorizing counties to establish county personnel commissions was removed from the Consent Calendar at the request of Rep. Laurent Boucher.

HB 114-FN, relative to sunset review of the N.H. higher education and health facilities authority was removed from the Consent Calendar at the request of Rep. Christy.

HB 128-FN, relative to sunset review of Keene state - board of education was removed from the Consent Calendar at the request of Rep. William Boucher.

Adopted.

## COMMITTEE REPORTS (Consent Calendar)

HB 80, relative to automobile warranties. Ought to Pass with Amendment. This bill, as amended, will provide New Hampshire consumers with an effective law to deal with so-called "lemon" automobiles in an expedient manner fair to all parties. Vote 15-0. Rep. Peter F. Wells, Sr. for Commerce, Housing and Consumer Affairs.

## Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Automobile Warranties. Amend RSA by inserting after chapter 357-C the following new chapter:

## CHAPTER 357-D CONSUMER MOTOR VEHICLE WARRANTIES

357-D:1 Definitions. In this chapter:

I. "Consumer" means the purchaser, other than for purposes of resale, of a motor vehicle, any person to whom such motor vehicle is transferred during the duration of an express warranty applicable to such motor vehicle, and any other person entitled by the terms of such warranty to enforce the obligations of the warranty.

II. "Motor vehicle" means:

(a) A motor vehicle, as defined in RSA 259:60, of the private passenger or station wagon type that is not used as a public or livery conveyance for passengers and is not rented to others; or

(b) Any other 4-wheel motor vehicle with a gross weight not exceeding 9,000 pounds, except motorcycles, tractors, OHRV's and mopeds.

357-D:2 Repairs. If a new motor vehicle does not conform to all applicable express or implied warranties, and the consumer reports the nonconformity to the manufacturer or distributor, its agent or its authorized dealer during the term of such express or implied warranties or during the period of one year following the date or original delivery of the motor vehicle to a consumer, whichever is the earlier date, the manufacturer or distributor, its agent or its authorized dealer shall make such repairs as are necessary to conform the vehicle to such express or implied warranties, notwithstanding the fact that such repairs are made after the expiration of such term or such one-year period. Each authorized dealer shall notify the manufacturers or distributor on each occasion on which a consumer reports a non-conformity to such dealer pursuant to this section.

357-D:3 Refund or Replacement.

I. If the manufacturer or distributor, or its agents or authorized dealers are unable to conform the motor vehicle to any applicable express or implied warranty by repairing or correcting any defect or condition which substantially impairs the use and value of the motor vehicle to the consumer after a reasonable number of attempts, the manufacturer or distributor shall replace the motor vehicle with a new motor vehicle or accept return of the vehicle from the consumer and refund to the consumer the full purchase price including all collateral charges, less a reasonable allowance for the consumer's use of the vehicle. Refunds shall be made to the consumer, and to the lienholder if any, as their interests may appear. A reasonable allowance for use shall be that amount directly attributable to use by the consumer prior to his first report of the nonconformity to the manufacturer or distributor, agent or dealer and during any subsequent period when the vehicle is not out of service by reason of repair. In addition, the manufacturer or distributor shall pay to the consumer the legal fees and costs incurred if the consumer is successful in a suit to obtain payment or replacement.

II. It shall be presumed that a reasonable number of attempts have been undertaken to conform a motor vehicle to the applicable express or implied warranties if:

(a) the same nonconformity has been subject to repair 3 or more times by the manufacturer or distributor or its agents or authorized dealers within the express warranty term or during the period of one year following the date of original delivery of the motor vehicle to a consumer, whichever is the earlier date, but such nonconformity continues to exist; or

(b) the vehicle is out of service by reason of repair for a cumulative total of 30 or more business days during such term or during such period, whichever is the earlier date.

357-D:4 Informal Dispute Settlement Procedures. If a manufacturer or distributor has established an informal dispute settlement procedure which complies in all respects with the provisions of title 16 Code of Federal Regulations Part 703, as from time to time amended, the provisions of RSA 357-D:3 concerning refunds or replacement or recovery of legal fees and costs shall not apply to any consumer who has not first resorted to such procedure.

357-D:5 Affirmative Defenses. It shall be an affirmative defense to any claim under this chapter that:

I. An alleged nonconformity does not substantially impair such use and value; or

II. A nonconformity is the result of abuse, neglect or unauthorized modifications or alterations of a motor vehicle by a consumer.

357-D:6 Terms Extended When Repairs Unavailable. For the purposes of claims under this chapter, the term of an express warranty, the one-year period described in RSA 357-D:3, II(a) and the 30-day period described in RSA 357-D:3, II(b) shall be extended by any period of time during which repair services are not available to the consumer because of a war, invasion, strike or fire, flood or other natural disaster.

357-D:7 Limitations. Nothing in this chapter shall in any way limit the rights or remedies which are otherwise available to a consumer under RSA 407-A, other sections of title XXXVII or any other law or rule. The rights and remedies available under this chapter shall be in addition to those otherwise available to a consumer.

357-D:8 Actions. Nothing in this chapter shall be construed as imposing any liability on a dealer or creating a cause of action by a consumer against a dealer under RSA 357-D:3 or a cause of action by a manufacturer or distributor against a dealer under RSA 357-D:3. The consumer's or manufacturer's right of action for breach of contract or breach of warranty with regard to a dealer's repair obligation remains unaffected.

2 Effective Date. This act shall take effect 60 days after its passage.

HB 178-FN, relative to utilities' eminent domain procedures. Ought to Pass with Amendment.

This bill provides for the option of a residential landowner to have a utility that proposes to take a portion of his land for the construction of above-ground transmission lines, substations or generating stations to offer to obtain the entire parcel provided the property is the landowner's residence. Vote 16-0. Rep. Edward J. Allgeyer for Commerce, Housing and Consumer Affairs.

Amendment

Amend RSA 371:5-a as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

371:5-a Residential Owner Option.

I. When a private real property upon which the principal residence of the landowner is located is proposed to be acquired in part for the construction of an above ground generating site, substation or transmission line: the residential landowner shall have the option to require the utility to condemn and take in fee the entire tract of land impacted by the proposed partial taking including all buildings and improvements thereon if all landowners, excluding lien holders and mortgagees, of the private real property make such an election and provide the commission and the utility with written notice of their election within 30 days after receipt of the notice under RSA 371:4. The provisions of this section also apply to secondary residences of landowners owned for more than 5 years. If the utility acquires the entire tract of land with buildings and improvements thereon pursuant to this section or by agreement with the landowner, the entire acquisition shall be deemed to be an acquisition for a public purpose and for use in the utility's business.

II. If a landowner chooses to avail himself of the provisions of paragraph I, the utility seeking condemnation shall provide a perimeter survey of the entire tract to the landowner without cost if:

(a) Requested by the landowner at time of electing to avail himself of the provisions of paragraph I; and

(b) A perimeter survey of the premises does not already exist.

Amend the bill by striking out sections 3 and 4 and inserting in place thereof the following:

3 Purpose. The general court declares that it adopts the provisions of this act to provide residential owners of lands, buildings and improvements necessary to be taken in part for the public good hereunder the option to have the entire tract taken at its full and fair value.

4 Prospective Application Only. This act shall only apply to petitions for condemnation filed with the public utilities commission upon or after the effective date of this act.

5 Effective Date. This act shall take effect 60 days after its passage.

HB 71, relative to the treatment of horses. Ought to Pass with Amendment.

This bill, as amended, clarifies several ambiguous parts of the present law (Chapter 575-B). Vote 18-0. Rep. Elmer L. Johnson for Environment and Agriculture.

#### Amendment

Amend RSA 575-C:1, 2, 3 and 4 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

575-C:1 Similar Animals. The term "horse" as used in this chapter shall include ponies, mules and burros.

575-C:2 Proper Care. No person shall overdrive, overwork or overload a horse in his care. No person shall buy, sell or exchange any horse that is to be used for riding, driving, draft or reproduction

purposes when the animal is unfit to perform these tasks. No person shall torture, beat, mutilate or abandon any horse, or aid in such abuse, or permit any horse in his care to be subject to abuse of any kind.

575-C:3 Proper Feeding. All horses shall receive roughage in proportion to their size, age, temperament and amount of work they are required to perform. Grain may also be required when roughage alone will not meet their daily nutritional requirements. All horses shall be fed on a regular schedule, and all food shall be clean and free from excessive moisture. All horses shall always have available a sufficient quantity of fresh water and of salt in either loose or block form.

575-C:4 Shelter Available. An adequately ventilated and dry barn or roofed windbreaker shall be provided and accessible to horses (November 1 through April 15). Animals kept in paddocks or pastures with roofed windbreaker shelter shall not be kept tied but shall be able to move around freely. Horses housed in barns or other enclosed stables shall have stalls of sufficient size so that the animal is able to lie down. Suitable exercise shall be made available.

HB 46, relative to the sealing and sale of skins. Inexpedient to Legislate.

The trappers of the state were not in complete agreement with the bill, as they preferred to have the muskrat, skunk and weasel remain in the category of not requiring an official tag or seal. Omitting these animals would change the intent of the bill. Vote 14-0. Rep. Mary Ann Lewis for Fish and Game.

HB 68, eliminating the protection for the common feral pigeons and increasing the protection of seals. Ought to Pass with Amendment.

This bill removes the feral pigeon from the protected bird category and removes it from the list of migratory birds. The bill also protects the taking of any species of seals. Vote 14-0. Rep. Laura C. Pantelakos for Fish and Game.

#### Amendment

Amend RSA 210:3-b as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

210:3-b Seal. It shall be unlawful for any person to take or to attempt to take at any time any species of seal, except a fisherman engaged in the taking of marine species shall be allowed to possess any species of seal for the purpose of liberating such seal, alive or dead, entangled in his fishing gear, providing that this liberation is performed as soon as possible. Notwithstanding any provision to the contrary, whoever violates this section shall be guilty of a violation.

HB 76-FN, establishing an account for the proceeds from the sale of fish food at fish hatchery vending machines. Ought to Pass.



This bill will allow monies collected in the fish food vending machines to stay in the hatchery fund. Revenue would be used to purchase additional fish food and supplies. The Committee supports this concept. Vote 16-0. Rep. Albert J. Dionne for Fish and Game.

HB 95, authorizing the executive director, department of fish and game to set the seasons, bag limits, methods of taking and reporting of certain wildlife. Inexpedient to Legislate.

The Committee feels there is no need to change the present laws that are in force, as they adequately cover the points made in the bill. Vote 14-2. Rep. John H. Stimmell for Fish and Game.

HB 191-FN, indemnifying school districts for certain litigation expenses incurred in connection with the removal of carcinogenic asbestos from the public schools. Inexpedient to Legislate.

The Committee recognizes the seriousness of the problem as asbestos in the schools, but feels this bill is not the proper way to cope with this situation. Vote 20-0. Rep. Carole M. Nevins for Health and Welfare.

HB 199-FN, relative to the office of ombudsman. Ought to Pass. This bill redefines "facility" to include boarding homes. It also authorizes the ombudsman to adopt rules relative to seeking information to support complaints. The bill allows the ombudsman to disclose files on written consent of complainant, patient, resident or client, or by court order. Vote 20-0. Rep. Carole M. Nevins for Health and Welfare.

HB 144-FN, relative to sunset review of the labor department - administration and support. Ought to Pass with Amendment. This measure renews the Administration and Support Division of the Labor Department. The amendment deals with the appointment of 3 alternate members to the Board of Conciliation and Arbitration representing employer, a labor organization and additional member who will serve when needed on this Board. Vote 16-0. Rep. John E. Webster, Jr. for Labor, Human Resources and Rehabilitation.

#### Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:  
3 Alternate Appointments. Amend RSA 273:12 by striking out said section and inserting in place thereof the following:

273:12 Appointment. There shall be a state board of conciliation and arbitration consisting of 3 members and 3 alternates. The governor, with the advice and consent of the council, shall annually, in June, appoint one member and one alternate whose terms shall be 3 years from the following July 1. One member and one alternate of the board shall be employers, or shall be selected from an association representing

employers of labor; one member and one alternate shall be selected from labor organizations and shall not be employers of labor, and one member and one alternate shall be appointed upon the recommendation of the other 4 members and alternates, or, if they do not, at least 30 days prior to the expiration of a term, or within 30 days after the happening of a vacancy, agree upon a third member and a third alternate, they shall then be appointed by the governor without such recommendation.

4 Staggered Terms. The governor, with the advice and consent of the council, shall appoint the 3 alternates to the state board of conciliation and arbitration not later than July 1, 1983, for the terms of one, 2 and 3 years respectively. Thereafter, appointments shall be made as provided in RSA 273:12. The existing members of the board shall serve for the remainder of their respective terms as provided in RSA 273:12.

5 Effective Date. This act shall take effect upon its passage.

HB 164-FN, allocating the property taxes paid by small scale power facilities. Inexpedient to Legislate.

The subcommittee consensus was that savings realized by Boscawen to reduce school taxes would only be recovered by opposing factions by other means. Vote 14-0. Rep. Paul J. Hamel for Municipal and County Government.

HB 172, to legalize the 1982 town meeting of the town of New Durham. Inexpedient to Legislate.

The Committee is sympathetic with the intent of the people of New Durham. However, the multiplicity of procedural errors involved in the 1982 town meeting actions amending the zoning ordinance causes the Committee to believe that passing this bill would create more problems than it would correct. Vote 16-0. Rep. Richard A. Grodin for Municipal and County Government.

HB 203-FN, authorizing the town of Epping, with voter approval, to issue bonds to meet certain legal expenses and amending the establishment of authorized reserve funds. Ought to Pass with Amendment.

The Committee concurs that this bill is needed to permit bonding to cover extraordinary legal expenses and avoid an excessively high property tax. Vote 16-0. Rep. Roger C. King for Municipal and County Government.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Bonds Authorized. Notwithstanding the provisions of RSA 33 or any other law to the contrary, the town of Epping, with the approval of 60 percent of all the registered voters present and voting at an annual or special town meeting, is authorized to issue bonds in an amount not to exceed \$500,000, with a 10 year maturity date for the purpose of meeting extraordinary legal expenses in the case of Cloutier et al v. Town of Epping et al.



HB 51, providing a method of dividing a town into representative districts. Inexpedient to Legislate.

This bill imposes a question of "Is this legislation necessary?" Currently, our Constitution provides the mechanism whereby any town, ward or unincorporated area can request such division by referendum. Vote 8-0. Rep. James J. White for Statutory Revision.

HB 193, establishing the week of October 18 through 25 as earth care week. Ought to Pass with Amendment.

This bill designates the second week of October as Earth Care Week. Vote 9-0. Rep. Eleanor H. Stark for Statutory Revision.

#### Amendment

Amend the title of the bill by section 2 of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

establishing the second week of October as earth care week.

Amend RSA 3-B as inserted by striking out same and inserting in place thereof the following:

#### CHAPTER 3-B EARTH CARE WEEK

3-B:1 Earth Care Week Established. The second week of October is hereby designated earth care week, in honor of the late Governor Hugh J. Callen, during which time the citizens of New Hampshire are urged to make themselves aware of the many factors involved in the protection and preservation of the state of New Hampshire in particular and the planet earth in general.

3-B:2 Earth Flag. The governor shall cause the official earth flag to be flown at the state house during the second week of October each year, in honor of earth care week.

HB 211, requiring school buses to remain stopped at railroad crossings until an approaching train has passed and signals have stopped flashing. Ought to Pass.

This legislation makes more explicit the procedures of a school bus at a railroad crossing by requiring the school bus to remain stopped until the train has passed. Vote 13-0. Rep. Elmer H. York for Transportation.

HB 212-FN, relative to signs for handicapped parking. Ought to Pass. The Committee feels this bill will help insure the handicapped motorist reserved parking space by making signs more visible and making non-handicapped persons more aware of designated space. Vote 14-0. Rep. Robert A. Danderson for Transportation.

HB 215, relative to driving after suspension or revocation. Ought to Pass.

The Committee felt that no driver whose license or driving privilege has been suspended or revoked in this state should be driving in this state. This bill makes it clear that a driver who obtains a license in another state does not revive his right to drive in New Hampshire. Vote 14-0. Rep. Stephen Sloan for Transportation.

#### COMMITTEE REPORTS (Regular Calendar)

HB 173, providing for a mandatory winter stay of dispossession for certain tenants who have defaulted on their rent. Ought to Pass with Amendment.

This bill gives tenants the right to stay during winter months if rent is paid weekly. Vote 10-6. Rep. Gerald Vecchione for Commerce, Housing and Consumer Affairs.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

providing for a mandatory winter stay of dispossession for certain residential tenants who have defaulted on their rent.

Amend RSA 540:13-e as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:  
540:13-e Mandatory Winter Stay  
Dependent on Payment of Rent.

I. Notwithstanding RSA 540:13-c or any other provision of law, no writ of possession which shall serve to dispossess a residential tenant shall issue during the months of December, January, February or March unless the date of such issuance is more than 30 days and less than 90 days from the date that judgment in favor of the plaintiff was rendered; provided, however, that the defendant shall pay to the landlord weekly in advance the weekly rent (or the proportional weekly part of the rent if payable less often than weekly), and, on default of any such advance weekly payment, a writ of possession shall issue forthwith, and the sheriff shall evict the tenant forthwith.

II. The mandatory stay mandated by paragraph I shall not apply to cases in which the court makes a specific finding that the issuance of a stay would constitute a substantial threat to the health or safety of other tenants in the building or other residents in the neighborhood, or that the tenant has willfully damaged the landlord's property.

III. Tender by the defendant of a rent voucher or a written commitment to pay the rent from a municipal, county or state welfare department or other social service agency shall be deemed the equivalent of cash payment for the purpose of compliance with paragraph I.

Amendment adopted.

Reps. Pressly, William Sullivan and Crory spoke in favor of the committee report.

Rep. Bangs spoke against the committee report.

Rep. Quimby spoke in favor of the committee report and yielded to questions.

Rep. William Roberts requested a roll call. Sufficiently seconded.

Reps. Robert Holmes and Keenan abstained from voting under Rule 16.

(Speaker Pro Tem presiding)

YEAS 245 NAYS 103

YEAS 245

BELKNAP: Bastraw, Birch, Bowler, Hardy, Robert Hawkins, Holbrook, Lamprey, Nighswander, Pearson, Randall, Sanders, David Whittemore and Zechhausen.

CARROLL: Ashnault, Hraba, Kenneth MacDonald, McIntire, Murphy and Powers.

CHESHIRE: Barber, Boulter, Eugene Clark, Crane, Davis, Daniel Eaton, Gordon, Grodin, Hickey, David Meader, Michaelides, Parker, Margaret Ramsay, William Riley, Scranton and William Sullivan.

COOS: Brideau, Harold Burns, Chardon, Coulombe, Guay, David King, Langley, George Lemire, Oleson, Pelletier, Theriault, Valliere and York.

GRAFTON: Blair, Chambers, Christy, Copenhaver, Crory, Densmore, Downing, Girouard, Harnish, Hutchings, Michael King, Wayne King, LaMott, Logan, Mann, McAvoy, Stevens, Stewart, Taife, Walter, Weymouth and Whitcomb.

HILLSBOROUGH: Richard Ahern, Ahrens, Arnold, Aris, Baker, Bass, Bergeron, Boutwell, Brack, Carragher, Cronin, Crotty, Donovan, Drewniak, Dupont, Duprey, Joseph Eaton, Fields, Ford, Galway, Gelinas, Harrington, George Hawkins, Head, Humphrey, Kaklamanos, Kashulines, Katsiaticas, Keefe, Knight, John Lawrence, Leclerc, Roland Lemire, Lynde, Lyons, Martineau, McGlynn, Migneault, Morrisette, Nelson, Paradis, Parmenter, Marjorie Peters, Pressly, Quinn, Raiche, Reidy, Resch, Robie, Ellen-Ann Robinson, Roy, Russell, Sallada, Leonard Smith, Soucy, Tamposi, Turgeon, Vachon, Van Loan, John Wallace, Roger Wallace, Kenneth Wheeler, Robert Wheeler, James J. White, Eleanor Whittemore and Winn.

MERRIMACK: Allgeyer, Anderson, Bardsley, Laurent Boucher, Bowes, Chynoweth, Samuel Clark, Daniell, Dean, Gross, Mary Holmes, Jacobson, Kidder, Kinhan, Lewis, Maltais, McDonnell, Nichols, Parrish, Phelps, Rogers, Savaria, Shepard, Stark, Stio, Lawrence Sullivan, Trombly, Underwood and Wallner.

ROCKINGHAM: Belanger, Beliveau, Benton, Blaisdell, Blake, Blanchard, Blanchette, William Boucher, Butler, Campbell, Carpenito, Case, Cotton, Cressy, Day, Drake, Flanagan, Beverly Gage, Greene, John Hynes, Roger King, Kozacka, Krasker, Leslie, Longworth, Lovejoy, Joseph MacDonald, Mace, Robert Mason, McLane, William Moore, Nagel, Nevins, Newman, Palumbo, Parr, Pevear,

Popov, Quimby, Rosencrantz, Schwaner, Skinner, Sochalski, Tavitian, Tufts, Warburton and Webster.

STRAFFORD: Banks, Belhumeur, Bernard, Blouin, Chagnon, Chisholm, Demers, Dingle, Albert Dionne, Fielding, Flynn, Hennessey, Hussey, Robert Jones, Kincaid, Lussier, Paul Meader, Pelley, Francis Robinson, Sackett, Schreiber, Timm and Ralph Torr.

SULLIVAN: Carlson, Converse, Flint, Gray, Irwin, Paul Johnson, Susan Lawrence, Palmer, Roney and Townsend.

NAYS 103

BELKNAP: Bolduc, Dexter, Golden and Matthew Locke.

CARROLL: Dickinson, Heath and Saunders.

CHESHIRE: Elmer Johnson, Lane, Morse, Perkins and Perry.

GRAFTON: Driscoll, Duggan, Easton and Ward.

HILLSBOROUGH: Debora Ahern, Ahlgren, Bolan, John Burns, Leslie Burns, Charbonneau, Cote, Craig, Duffett, Durant, Clyde Eaton, Gagnon, Grasso, Hendrick, Jean, Robert Kelley, Evelyn King, Labombarde, Lamy, Lefebvre, David Lemire, Levesque, Howard Mason, Nickerson, Nute, O'Rourke, Silva, Steiner, James Sullivan, Mary Sullivan, Sylvia, Talbot, Wagner, Ware, Geraldine Watson, Harold Watson, Wells, Emma Wheeler and Lucille Wood.

MERRIMACK: Bibbo, LaBranche, Arthur Locke, Mercier, Pannell, Doris Riley, Louise Roberts, William Roberts and Gerald R. Smith.

ROCKINGHAM: Ames, Bangs, Danderson, Ellyson, John Flanders, Thomas Gage, Hollingworth, Joslyn, Kane, Katsakiores, Glenden Kelley, LoFranco, Malcolm, Newell, Romoli, Simon, Sloan, Splaine, Stork, Sytek, Vartanian, Vecchione, Walker and Woodward.

STRAFFORD: Appleby, Bouchard, Chamberlin, Couture, Grassie, Joos, Musler, Arnold Peters, Gerald L. Smith, Franklin Torr and Whiting.

SULLIVAN: Brodeur, D'Amante, Ingram and Quinlan, and HB 173 was ordered to third reading.

Rep. Gary Dionne notified the Clerk that he wished to be recorded against HB 173.

CACR 4, relating to size of the senate and term of office of senators. Providing that the senate shall consist of 48 members who shall hold office for 4 years.

Majority: Ought to Pass with Amendment.

Minority: Inexpedient to Legislate.

MAJORITY: The majority of the Committee feels it is necessary to balance the load of bills and ease the burden placed on the Senate by the necessary House deadlines. The amendments would (1) maintain the present two-year term and, (2) make the organization and first meeting dates conform with those

established for the House. Vote 6-14.  
Rep. Russell C. Chase for majority of  
Constitutional Revision.

MINORITY: The minority felt that the  
Senate functions adequately with  
twenty-four members and this number does  
not need to be increased. If the Senate  
does have problems that could be solved  
by increasing the number of members the  
Senate should originate a bill to  
address these problems. Reps. Roger  
Stewart, David J. Bouchard, Maurice J.  
Levesque and Roger E. Wallace for the  
Minority of Constitutional Revision.

#### Amen dment

Amend the title of the constitutional  
amendment-concurrent resolution by striking  
out same and inserting in place thereof the  
following:

relating to size of the senate.  
Providing that the senate shall  
consist of 48 members.

Amend the constitutional amendment-  
concurrent resolution by striking out all  
after the resolving clause and inserting in  
place thereof the following:

I. Resolved, That article 25 of  
part second of the constitution be amended  
by striking out said article and inserting  
in place thereof the following:

(Art.) 25. (Senate, How Constituted;  
Tenure of Office.) The senate shall consist  
of 48 members.

II. Resolved, That article 26 of  
part second of the constitution be amended  
by striking out said article and inserting  
in place thereof the following:

(Art.) 26. (Senatorial Districts, How  
Constituted.) And that the state may be  
equally represented in the senate, the  
legislature shall divide the state into 24  
districts, as nearly equal as may be in  
population, each consisting of contiguous  
towns, city wards and unincorporated places,  
without dividing any town, city ward, or  
unincorporated place.

Each district shall be represented by 2  
senators. The legislature shall form the  
districts at its regular sessions following  
each decennial federal census.

III. Resolved, That article 27 of  
part second of the constitution be amended  
by striking out said article and inserting  
in place thereof the following:

(Art.) 27. (Election of Senators.)  
The freeholders and other inhabitants of  
each district, qualified as in this  
constitution is provided, shall biennially  
give in their votes for 2 senators from  
their respective districts, at some meeting  
holden in the month of November. If 2  
candidates tie for the highest number of  
votes in a district, each shall be declared  
elected. In the absence of any tie, the  
candidate receiving the highest number of  
votes and the candidate receiving the next  
highest number of votes in a district shall  
each be declared elected.

IV. Resolved, That article 34 of  
part second of the constitution be amended  
by striking out said article and inserting  
in place thereof the following:

(Art.) 34. Ties and Vacancies in the  
Senate. In case there shall be more than 2  
candidates receiving the highest number of  
votes for any district, the members of the  
house of representatives and such senators  
as shall be declared elected shall take the  
names of those who have tied for the highest  
number of votes, and out of them shall  
elect, by joint ballot, 2 senators for the  
district. If one candidate received the  
highest number of votes and more than one  
candidate received the next highest number  
of votes for any district, the candidate  
receiving the highest number of votes shall  
be declared elected, and the members of the  
house of representatives and such senators  
as shall be declared elected shall take the  
names of those who have tied for the next  
highest number of votes, and out of them  
shall elect, by joint ballot, the other one  
senator for the district. In this manner,  
all such vacancies shall be filled up, in  
every district of the state. In case any  
person elected to a senate seat in any  
district is found by the senate not to be  
qualified to be seated, a new election shall  
be held forthwith in said district. All  
vacancies in the senate arising by death,  
removal out of the state, or otherwise,  
except from failure to elect, shall be  
filled by a new election for the unexpired  
term of the previous incumbent by the people  
of the district upon the requisition of the  
governor and council, as soon as may be  
after such vacancies shall happen.

V. Resolved, That article 37 of  
part second of the constitution be amended  
by striking out said article and inserting  
in place thereof the following:

(Art.) 37. (Senate to Elect Their Own  
Officers; Quorum.) The senate shall appoint  
their president and other officers, and  
determine their own rules of proceedings:  
And not less than 25 members of the senate  
shall make a quorum for doing business; and  
when less than 32 senators shall be present,  
the assent of 20, at least, shall be  
necessary to render their acts and  
proceedings valid.

VI. Resolved, That the above  
amendment proposed to the constitution be  
submitted to the qualified voters of the  
state at the state general election to be  
held in November, 1984.

VII. Resolved, That the selectmen  
of all towns, cities, wards and places in  
the state are directed to insert in their  
warrants for the said 1984 election an  
article to the following effect: To decide  
whether the amendments of the constitution  
proposed by the 1983 session of the general  
court shall be approved.

VIII. Resolved, That the wording  
of the question put to the qualified voters  
shall be:

Are you in favor of amending the  
constitution by increasing the size of the  
senate to 48 members, providing for 2  
senators to be elected from the present 24  
senatorial districts?

IX. Resolved, That the secretary  
of state shall print the question to be  
submitted on a separate ballot or on the  
same ballot with other constitutional  
questions. The ballot containing the  
question shall include 2 squares next to the

question allowing the voter to vote "Yes" or "No." If no cross is made in either of the squares, the ballot shall not be counted on the question. The outside of the ballot shall be the same as the regular official ballot except that the words "Questions Relating to Constitutional Amendments proposed by the 1983 General Court" shall be printed in bold type at the top of the ballot.

X. Resolved, That if the proposed amendment is approved by 2/3 of those voting on the amendment, it becomes effective when the governor proclaims its adoption.

Rep. Stewart moved that the report of the Minority, Inexpedient to Legislate, be substituted for the report of the Majority, Ought to Pass, and spoke to his motion.

Rep. Francis Robinson spoke against the motion.

Rep. Joseph Eaton spoke against the motion.

Mr. Speaker. I rise in favor of the committee report and in favor of a 48 member Senate. The House and Senate have joint authority to make laws. House Committees consider recommendations from the Governor, from budget teams and from other citizens. We hold public hearings. We have a competent research staff. On many bills our large House committees include members with practical experience. But when the House bills finally hit the 24 members of the Senate, they are spread too thin on 19 committees and they cannot recheck all the work of 200 representatives. Twenty-four people for 19 committees. In just 8 days of May in 1981, the Senate voted on 182 House bills. Most of them had reached the Senate late in April or in May. There was no time for detailed review of 182 bills by 24 overworked Senators. Very few people outside of the General Court realize how much painstaking, time-consuming committee work is required to process 1200 bills per session. We need a complete independent cost check by the Senate and if they can cut the budget a fraction of one percent it could save a million dollars. Now the size of the Senate is a Constitutional question to be answered by the voters. The House and Senate are equally involved in putting this question on the ballot because both bodies are fully responsible for better laws and a credible budget.

CACR 4 does not tell the Senate what to do. It just gives them more manpower to carry an increasing workload. CACR4 could help the House because the present small Senate has a 16-vote quorum which means that a 9 to 7 Senate vote can overturn a majority of our 400 members. Now, whenever the size of the Senate is discussed, we hear all about the expensive desks and the high salary for every additional member, but one penny added to every one hundred dollars of budget would pay the entire cost. We do want to save every nickel possible and each Senator's annual salary is 2,000 nickels, the same 2,000 nickels that we get.

Just for comparison, of our employees in the Executive Branch, whose salary per employee exceeds the total combined salaries of the 424 members of the General Court, the present members of the General Court will

get no benefits whatever from CACR 4 except the satisfaction of doing a better job for the state. I believe the voters will approve this Amendment if we put it on the ballot.

Rep. Harold Burns moved that Rep. Joseph Eaton's remarks be printed in the Journal.

Adopted.

Question being on the substitute motion, Inexpedient to Legislate.

Rep. Roger Wallace spoke in favor of the motion.

Motion lost.

Question being on the committee amendment.

Amendment adopted.

Question being on the report of the Majority, Ought to Pass with Amendment, a roll call was requested. Sufficiently seconded.

(Speaker Pro Tem presiding)

YEAS 240 NAYS 118

YEAS 240

BELKNAP: Birch, Bolduc, Bowler, Dexter, Gary Dionne, Hardy, Robert Hawkins, Holbrook, Lamprey, Nighswander, Pearson, Randall, Sanders, David Whittemore and Zeckhausen.

CARROLL: Ashnault, Chase, Dickinson, Heath, Robert Holmes, Hrabak, Kenneth MacDonald, Murphy, Powers and Saunders.

CHESHIRE: Barber, Boulter, Eugene Clark, Davis, Daniel Eaton, Gordon, Hickey, Lane, Matson, David Meader, Michaelides, Parker, Perkins, Perry, Margaret Ramsay, William Riley, Scranton and William Sullivan.

COOS: Brideau, Harold Burns, Chardon, Coulombe, Guay, David King, Langley and York.

GRAFTON: Blair, Chambers, Copenhaver, Crory, Densmore, Downing, Duggan, Harnish, Hutchings, Michael King, Wayne King, Mann, Stevens, Taffe, Walter, Ward and Whitcomb.

HILLSBOROUGH: Abrams, Richard Ahern, Arnold, Aris, Baker, Bolan, Brack, John Burns, Leslie Burns, Carragher, Charbonneau, Craig, Duffett, Duprey, Clyde Eaton, Joseph Eaton, Fields, Ford, Galway, Gelinas, Crasso, Harrington, George Hawkins, Head, Kashulines, Katsiaficas, Keefe, Robert Kelley, Knight, Lam, John Lawrence, Leclerc, Roland Lemire, Lynde, Martineau, McGlynn, Migneault, Nelson, O'Rourke, Marjorie Peters, Pressly, Raiche, Peter Ramsey, Resch, Robie, Ellen-Ann Robinson, Russell, B. P. Smith, Leonard Smith, Soucy, Steiner, James Sullivan, Sylvia, Tamposi, Van Loan, Wagner, John Wallace, Geraldine Watson, Harold Watson, Wells, M. Arnold Wight, Winn and Lucille Wood.

MERRIMACK: Anderson, Bardsley, Bibbo, Bowes, Chynoweth, Samuel Clark, Daniell, Dean, Gross, Mary Holmes, Kidder, Kinhan, LaBranche, Nichols, Pannell, Phelps, Doris Riley, William Roberts, Rogers, Savaria, Gerald R. Smith, Stark, Stio, Lawrence Sullivan, Trombly, Underwood, Wallner and James Whittemore.



ROCKINGHAM: Ames, Bangs, Belanger, Blaisdell, Blake, Blanchard, Blanchette, William Boucher, Campbell, Carpenito, Case, Cotton, Cressy, Day, Flanagan, Beverly Gage, Greene, Hollingworth, John Hynes, Keenan, Glenden Kelley, Roger King, Kozacka, Leslie, LoFranco, Lovejoy, Joseph MacDonald, Malcolm, McLane, William Moore, Nagel, Newman, Palumbo, Pantelakos, Parr, Popov, Quimby, Rosencrantz, Schmidtchen, Simon, Skinner, Sochalski, Sytek, Tavitian, Tufts, Vartanian, Walker, Warburton, Webster and Woodward.

STRAFFORD: Banks, Bernard, Chagnon, Chamberlin, Couture, Demers, Dingle, Albert Dionne, Fielding, Grassie, Hennessey, Hussey, Kincaid, Paul Meader, Pelley, Francis Robinson, Sackett, Gerald L. Smith, Franklin Torr, Ralph Torr and Whiting.

SULLIVAN: Brodeur, Carlson, Converse, Flint, Ingram, Paul Johnson, Susan Lawrence, Palmer, RENEY and Townsend.

#### NAYS 118

BELKNAP: Bastraw, Golden and Matthew Locke.

CARROLL: McIntire.

CHESHIRE: Crane, Grodin, Elmer Johnson and Morse.

COOS: George Lemire, Oleson, Pelletier, Theriault and Valliere.

GRAFTON: Christy, Driscoll, Easton, Girouard, Logan, McAvoy, Stewart and Weymouth.

HILLSBOROUGH: Debora Ahern, Ahlgren, Ahrens, Bass, Bergeron, Boutwell, Cote, Cronin, Crotty, Donovan, Dupont, Durant, Gagnon, Hendrick, Humphrey, Jean, Evelyn King, Labombarde, Lefehvre, David Lemire, Levesque, Lyons, Howard Mason, Morrisette, Nickerson, Nute, Paradis, Parmenter, Quinn, Reidy, Roy, Sallada, Silva, Mary Sullivan, Talbot, Turgeon, Vachon, Roger Wallace, Ware, Emma Wheeler, Kenneth Wheeler, Robert Wheeler, James J. White and Eleanor Whittemore.

MERRIMACK: Allgeyer, Laurent Boucher, Jacobson, Lewis, Arthur Locke, Maltais, McDonnell, Mercier, Parrish, Louise Roberts and Shepard.

ROCKINGHAM: Beliveau, Benton, Burdick, Butler, Danderson, Drake, Ellyson, Harry Flanders, John Flanders, Thomas Gage, Joslyn, Kane, Katsakiores, Longworth, Mace, Robert Mason, Nevins, Newell, Pevear, Romoli, Schwaner, Sloan, Splaine, Stork and Vecchione.

STRAFFORD: Appleby, Belhumeur, Blouin, Bouchard, Chisholm, Flynn, Robert Jones, Joos, Lussier, Musler, Arnold Peters, Schreiber and Timm.

SULLIVAN: D'Amante, Gray, Irwin and Quinlan, and CACR 4 was adopted by the constitutionally required 3/5 of the entire membership.

HB 53-FN, establishing the department of postsecondary vocational education. Ought to Pass with Amendment.

This bill establishes the Postsecondary Vocational Technical Education System as a semi-autonomous body with its own Board of Governors and Commissioner to insure timely recognition and response to the rapidly changing economy of the State of New Hampshire. It recognizes the pressure for technical support by the business, industry and health care fields. Testimony was overwhelmingly in support of the bill, with opposition only from the Commissioner of Education and five of the seven State Board of Education members. Two of the three state board members on the Vocational Education Subcommittee, however, do support the bill. Vote 16-0 (plus two absent members who wished to be recorded in favor of HB 53 as amended). Rep. Ralph W. Pearson for Education.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Repeal. RSA 188-A, relative to technical institutes and vocational-technical schools, is hereby repealed.

2 New Chapter. Amend RSA by inserting after chapter 188-E the following new chapter:

#### RSA 188-F POSTSECONDARY VOCATIONAL-TECHNICAL EDUCATION

188-F:1 Declaration of Purpose. It is hereby declared to be the policy of the state of New Hampshire to provide for, within its ability to finance facilities, the preparation of youth and adults for productive employment as technicians and skilled workers to the extent necessary for the continuation and promotion of the general economy of the state.

188-F:2 Department Established. There shall be a department of postsecondary vocational-technical education which shall be governed by a board of governors. The department shall be a state agency and shall consist of the office of the commissioner, the New Hampshire technical institute and the 6 technical colleges.

188-F:3 Board of Governors. The board of governors shall consist of 7 members, 3 from the field of business and industry, 2 from the field of education, 1 from the field of health service and 1 from the field of labor, appointed by the governor and council for staggered 4-year terms. Members shall serve without compensation but may be reimbursed for their expenses. No classified or unclassified employee of the state or person who holds elected state office shall serve on the board. The board shall annually elect one of its members to serve as chairman. Vacancies on the board of governors shall be filled for the unexpired term only.



188-F:4 Duties. The duties of the board of governors shall be to:

I. Develop and adopt policy for the department and its institutions.

II. Oversee the administration of the department and its institutions.

III. Appoint a commissioner of postsecondary vocational-technical education.

IV. Apply for and receive, in the same manner as other state agencies, federal or other funds for the operation of the department and its institutions. The board may accept gifts of money and property, other than real property, for use in institutional programs on its own authority.

V. Adopt rules, in accordance with RSA 541-A, regulating the operations of the department and its institutions, including the rights and responsibilities of students.

188-F:5 Commissioner. The board of governors shall appoint a commissioner of postsecondary vocational-technical education, who shall be the chief executive officer of the department. The commissioner shall be qualified by education and experience and shall have a 4-year term. The board may remove the commissioner at any time if at least 5 members agree. The board shall state the reasons for his removal in writing. The salary of the commissioner shall be that established in RSA 94.

188-F:6 Cooperation with Other Agencies. The commissioner shall be responsible for promoting cooperation and communication between the department of postsecondary vocational-technical education and the board and the department of education and between the department of postsecondary vocational-technical education and the university system of New Hampshire.

188-F:7 Administrative Board. The commissioner shall establish an administrative board composed of the president of the technical institute and the presidents of the 6 technical colleges. The commissioner shall serve as chairman of the administrative board which shall advise and assist him in the performance of his duties under this chapter.

188-F:8 Presidents of the Institute and Colleges. The commissioner shall, subject to approval by the board, appoint a president of the technical institute and presidents of the 6 technical colleges. Presidents shall be qualified by education and experience.

188-F:9 Deans. The president of each institution of the department shall appoint deans, with the approval of the board and subject to the appropriation made therefor.

188-F:10 Name and Program of the Technical Institute. The program of the technical institute shall be designed to prepare qualified high school graduates or the equivalent as technicians. The name of the technical institute shall be: New Hampshire technical institute at Concord.

188-F:11 Name and Program of the Technical Colleges. The program of the technical colleges shall be designed to prepare qualified high school graduates or the equivalent as technicians and skilled workers. The names of the technical colleges shall be:

I. New Hampshire technical college at Berlin

II. New Hampshire technical college at Claremont

III. New Hampshire technical college at Laconia

IV. New Hampshire technical college at Manchester

V. New Hampshire technical college at Nashua

VI. New Hampshire technical college at Stratham.

188-F:12 Accreditation. The technical institute and technical colleges are authorized to seek accreditation and maintain membership in the regional accrediting association, within available appropriations, to satisfy the requirements necessary to achieve and maintain regional accreditation as a technical institute or as technical colleges only, and in order to meet the requirements necessary for federal aid. Each individual program of study offered shall be such as to meet all of the requirements for professional accreditation or licensing or both of the particular specialty as a technical college.

188-F:13 Instructional Personnel. The board of governors shall conduct an examination of existing state personnel policies, rules and laws and the manner in which they apply to instructional personnel of the department. The board shall, by January 1, 1985, submit a report to the general court detailing modifications in those policies needed to make them appropriate for instructional personnel. The report shall include recommendations for legislative or other action to make such modifications. In its review, the board shall seek the assistance of the department of personnel and representatives of the instructional personnel of the postsecondary technical institutions.

188-F:14 Budgeting. The department shall submit an operating budget based on program appropriation units or other budgetary units required by the general court. Each institution of the department and the commissioner's office shall be considered a separate budgetary unit. The department shall submit its budget in the same format and at the same time as other state agencies. However, the board of governors is authorized to transfer funds between line items within any budgetary unit. By October 31 of each fiscal year, the department shall submit a report to the joint fiscal committee detailing all transfers made during the last fiscal year and the reasons for them. Transfers of funds between budgetary units shall be made in accordance with procedures and restrictions applying to all other agencies.

188-F:15 Tuition. The board of governors shall, by rule adopted in accordance with RSA 541-A, establish tuition rates at the technical institute and the 6 technical colleges for both resident and nonresident students. Tuition received from the technical institute and the technical colleges shall be paid to the state treasurer who shall keep it in a separate account. If, in the opinion of the governor and council, additional funds are necessary to carry out the purposes of this chapter, such tuition funds may be used for that purpose; and the state treasurer is

authorized to pay out the same on the governor's warrant. Any balance in the fund at the close of each fiscal year shall be transferred to the general funds of the state, and the appropriations made for postsecondary vocational-technical education shall be reduced by such amount.

188-F:16 Tuition Waived. If a person is domiciled in the state while serving in or with the armed forces of the United States and is, after February 28, 1961, reported or listed as missing, or missing in action, or interned in a neutral country, or beleaguered, besieged or captured by the enemy during the Southeast Asian conflict, any child of such person, enrolled after March 23, 1972, in a technical institute or a technical college shall, so long as said person is so reported, listed, interned, beleaguered, besieged or captured, not be required to pay tuition for attendance at such school. Any person entitled to free tuition under this section shall apply to the board of governors, and the board may require such proof as they deem necessary in order for a person to qualify for free tuition under this section.

188-F:17 Loan Fund Revolving Accounts. The board of governors is authorized, within the limits of federal grants and the appropriations made, to establish and administer such loan fund revolving accounts as may be approved by the governor and council to completely comply with all federal regulations and to effectively and efficiently operate the loan programs within the technical institute and technical colleges. The board shall adopt rules pursuant to RSA 541-A for the giving of loans to students who are in need of financial aid at the technical institute and at the technical colleges, the repayment of the loans or other requirements relative to the loans. Each loan fund revolving account authorized and the specific funds associated with it shall be kept in a separate special account by the state treasurer, and any repayment of loans made from one of these separate special accounts shall be credited to that separate special account for continued use as a loan fund.

188-F:18 Building Projects Revolving Fund. The state department of postsecondary technical vocational education shall administer a building projects revolving fund to aid instruction in the building construction trades at state technical colleges. The fund shall be used to pay necessary costs of construction projects which are carried out as part of the instructional program, including the purchase of real estate. No project shall be undertaken unless the fund contains enough money to cover the proposed budget. When a building is completed, it shall be sold by the commissioner of postsecondary vocational-technical education by means of sealed bids or at auction. The money received shall be put into the fund, shall be continually appropriated for use in another construction project, and shall not lapse. However, the total money in the fund shall not exceed \$70,000. Any excess shall be paid into the general funds of the state.

188-F:19 Bookstore Operation.

I. The board of governors may operate bookstores at department institutions directly or through use of contracts with private vendors. Any such contracts shall be subject to review under normal state procedures and shall be approved by the governor and council.

II. The commissioner of postsecondary vocational-technical education may purchase such merchandise for resale in bookstores at the technical institute and technical colleges as may be necessary for the efficient operation of the postsecondary vocational-technical education programs. The purchases shall be for instructional books, supplies and materials only. The commissioner shall, with the approval of the board, establish a bookstore inventory account; and purchases under this section shall be a charge upon that account. The price to be charged for instructional books, supplies and materials shall be sufficient to pay for the cost of the items purchased plus an additional service charge. Net revenue derived from bookstore operations shall be paid into the student activity fund.

188-F:20 Federal Funds. The state board of education shall be the primary recipient of federal funds provided under the Vocational Education Act of 1963. The board of education shall each year provide the department of postsecondary vocational-technical education with a percentage of the total funds available under that act equal to the percentage of such funds allocated to the division of postsecondary education and its institutions as of January 1, 1982. The commissioner of education and the commissioner of postsecondary vocational-technical education shall cooperate in the development of applications for such funds.

188-F:21 Advisory Committees. The board of governors may appoint advisory committees to advise the presidents, the commissioner, and the board on the operation of the technical institute and the technical colleges. The board may also appoint advisory committees to advise the college presidents on the development and operation of specific academic programs at the technical institute and colleges.

3 Exception Added. Amend RSA 6:12, I(o) and (p) (supp) as inserted by 1982, 39:3 and 1982, 42:7 by striking out said subparagraphs and inserting in place thereof the following:

(o) Moneys received for sending children to the special education program of the child and adolescent unit at the New Hampshire hospital pursuant to RSA 186-C:20;

(p) Money received under RSA 125:62-a, 143:11, and 184:85, which shall be credited to the public health services special fund; and

(q) Moneys received under RSA 188-F, which shall be credited as provided in that chapter.

4 Sunset Termination Date. The department of postsecondary vocational-technical education established by section 2 of this act shall terminate on July 1, 1987, pursuant to RSA 17-G.

5 Correct References. Any cross reference in the RSA or elsewhere in the law

to a section of RSA 188-A repealed by this act shall be considered to be a reference to the appropriate section of RSA 188-F inserted by section 2 of this act.

6 Transfer of Appropriations, Moneys, Funds, Personnel, Property, etc. All the appropriations, moneys, funds, personnel, property and records of the state board of education or of the department of education relating to the technical institute and the vocational-technical colleges, except as specified in section 7 of this act, are hereby transferred to the department of postsecondary vocational-technical education in accordance with section 10 of this act. Unclassified employees of the state board of education or of the department of education who work in a position exclusively concerned with postsecondary vocational-technical education shall also be transferred to the department of postsecondary vocational-technical education.

7 Positions Abolished. The following classified positions within the division of postsecondary education, department of education are abolished as of January 1, 1984. The powers and duties of these positions are transferred as otherwise provided in this act.

I. Chief, division of postsecondary education.

II. Director, technical institute, Concord.

III. Director, vocational-technical college.

IV. Dean, admissions and instruction.

V. Dean, student and personnel services.

VI. Coordinator of instruction.

VII. Coordinator of admissions and student personnel services.

8 Salaries. Amend RSA 94:1-a, I (supp) as inserted by 1975, 505:28 as amended by inserting in group 0 the following:

Commissioner of Postsecondary Vocational-Technical Education.

9 Initial Appointments. To provide for staggered terms, 3 of the initial members of the board of governors shall be appointed for terms of 2 years. The remaining 4 members shall be appointed to full 4-year terms. Subsequent appointments shall be for full terms. The governor shall determine which initial appointments shall be made for less than full terms.

10 Transition. The governor and council may appoint members to the board of governors as of the effective date of this act. The transfers provided for in this act shall be accomplished in orderly stages and shall be completed by January 1, 1984. During this transition period, the board of governors shall receive staff assistance from the department of education. Any expenses of the board of governors during the period of transition shall be paid from funds available to the department of education. The board of education and its staff shall cooperate with the board of governors to assure an orderly transition.

11 Effective Date. This act shall take effect July 1, 1983.

Amendment adopted.

Referred to Appropriations.

HB 49, relative to certain fish and game licenses for persons 68 years of age or older and blind persons. Ought to Pass.

This bill saves the Fish and Game Department only a few hundred dollars, but makes it easier on the license agents and even more so on the people over 68 when applying for this license. Vote 18-2. Rep. Gerald R. Smith for Fish and Game.

Ordered to third reading.

HB 198-FN, relative to the proceeds from the sale of state property. Ought to Pass with Amendment.

This bill prevents funds from the sale of state property from being considered as general revenue. The funds will be used to reduce bonded indebtedness. Vote 16-0. Rep. Ted A. Pelletier for Public Works.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Proceeds of Sale. Amend RSA 4:40 (supp) as amended by striking out said section and inserting in place thereof the following:

4:40 Disposal of Real Estate. Upon recommendation of the head of any state department having jurisdiction over the same and with the approval of the office space study committee, the governor and council may sell, convey, transfer, or lease any real property owned by the state. Sales of real property under this section shall be at not less than a current appraised value of the subject property as may be determined by the governor and council. The funds accruing from such disposal shall be spent in reducing the bonded indebtedness of the state. This section shall not apply to sale of institutional lands as provided by RSA 10:4, nor to real estate given or bequeathed to the state under provisions of trust, nor to state lands or products there of required to be held to procure a continuance of federal conservation work, nor to lands acquired for highway purposes with federal funds.

Amendment adopted.

Referred to Appropriations.

HB 206, relative to the restoration of the covered bridge between Cornish, New Hampshire and Windsor, Vermont and making an appropriation therefor. Ought to Pass with Amendment.

This bill will restore the covered bridge between Cornish, New Hampshire and Windsor, Vermont. The bridge needs to be raised four feet so that ice will not tear the bridge down, and cabled to reinforce it. It is one of the few remaining covered bridges in the state and is both an historical site and tourist attraction as well as a convenient crossing of the Connecticut River. Vote 17-0. Rep. Lorine M. Walter for Public Works.

## Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Appropriation. The sum of \$400,000 is hereby appropriated to the capital budget overview committee for the biennium ending June 30, 1985, as New Hampshire's share of the cost of the rehabilitation of the Cornish, New Hampshire - Windsor, Vermont, covered bridge. This appropriation shall be reduced by the amount of any federal funds made available. In addition to this appropriation, funds received from the state of Vermont or from the town of Windsor, Vermont for their share of the cost of the rehabilitation of this structure shall be added to this appropriation and expended for this purpose.

Amendment adopted.

Referred to Appropriations.

HB 209, relative to repairs to the state house and railroad line improvements. Ought to Pass.

This bill changes priorities on already appropriated monies and includes much-needed repairs to the State House. Vote 14-3. Rep. Beverly A. Gage for Public Works.

Rep. Daniell offered an amendment.

## Amendment

Amend the bill by striking out sections 1, 2 and 3 and inserting in place thereof the following:

1 State House Improvements. Amend 1981, 99:1, III as amended by 1982, 38:3 by striking out said paragraph and inserting in place thereof the following:

III. Public Works and Highways  
A. Traffic division facility  
(appropriation to be from the highway fund)

(1) Building and site work	1,633,558
(2) Equipment	10,000*
(3) Architectural and engineering fees	25,000
B. Repair state house roof	145,000
Total paragraph III	\$ 1,813,558

2 Total State Appropriation Amended. Amend the total state appropriation section one of 1981, 99:1 as amended by 1982, 38:3 by striking out said appropriation and inserting in place thereof the following:

Total state appropriation section one	\$16,355,837
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3 Bond Total Amended. Amend 1981, 99:4 as amended by 1982, 38:4 by striking out said section and inserting in place thereof the following:

99:4 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in section one of this act,

the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$16,355,837 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A; provided, however, that the bonds issued for the purpose of paragraphs I A (2), I B (2), III A (2), and IV A (2) of section one of this act shall have a maturity of 5 years from the date of issue.

Hearing no objection the Chair advised the Clerk to dispense with the reading of the amendment.

Rep. Daniell explained his amendment and yielded to questions.

Reps. Bibbo and LaMott spoke against the amendment and yielded to questions.

Amendment lost.

Question being on the Committee report, Ought to Pass. a roll call was requested. Sufficiently seconded.

(Speaker Pro Tem presiding)

YEAS 248 NAYS 106

YEAS 248

BELKNAP: Bastraw, Birch, Dexter, Hardy, Holbrook, Lamprey, Nighswander, Pearson, Randall, Sanders, David Whittemore and Zeckhausen.

CARROLL: Chase, Dickinson, Robert Holmes, Hraha, Kenneth MacDonald, McIntire, Murphy, Powers and Saunders.

CHESHIRE: Barber, Boulter, Eugene Clark, Davis, Daniel Eaton, Gordon, Grodin, Elmer Johnson, Lane, Matson, David Meader, Michaelides, Morse, Parker, Perkins, Perry and William Sullivan.

COOS: Brideau, Harold Burns, Chardon, Coulombe, David King, Langley, George Lemire, Pelletier, Valliere and York.

GRAFTON: Blair, Christy, Crory, Densmore, Downing, Driscoll, Duggan, Easton, Harnish, Hutchings, Wayne King, LaMott, Logan, Mann, Stevens, Taffe, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Debora Ahern, Richard Ahern, Ahlgren, Ahrens, Arnold, Arris, Baker, Baas, Bolan, Boutwell, John Burns, Leslie Burns, Carragher, Craig, Donovan, Drewniak, Duffett, Dupont, Duprey, Clyde Eaton, Joseph Eaton, Fields, Ford, Galway, Grasso, Harrington, George Hawkins, Head, Humphrey, Jean, Kashulines, Keefe, Robert Kelly, Knight, Labombarde, Lamy, John Lawrence, Leclerc, Lefebvre, David Lemire, Roland Lemire, Levesque, Martineau, Howard Mason, McGlynn, Morrisette, Nute, Paradis, Parmenter, Marjorie Peters, Quinn, Ellen-Ann Robinson, Roy, Russell, Sallada, Silva, B. P. Smith, Leonard Smith, Soucy, Steiner, James Sullivan, Mary Sullivan, Sylvia, Tamposi, Turgeon, Van Loan, Wagner, Geraldine Watson, Harold Watson, Wells, Emma Wheeler, Kenneth Wheeler, M. Arnold Wight and Lucille Wood.

MERRIMACK: Allgeyer, Bibbo, Bowes, Dean, Gross, Mary Holmes, Jacobson, Kinhan,



LaBranche, Lewis, Maltais, McDonnell, Nichols, Phelps, Doris Riley, William Roberts, Rogers, Shepard, Gerald R. Smith, Stark, Stio, Underwood and James Whittemore.

ROCKINGHAM: Bangs, Beliveau, Blake, Blanchard, Blanchette, Burdick, Butler, Campbell, Carpenito, Day, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Greene, Joslyn, Kane, Katsakiores, Keenan, Roger King, Krasker, Leslie, Longworth, Lovejoy, Mace, Malcolm, Robert Mason, William Moore, Nagel, Nevins, Newell, Newman, Palumbo, Pantelakos, Parr, Pevear, Popov, Quimby, Schmidtchen, Schwaner, Skinner, Sloan, Sochalski, Splaine, Stork, Sytek, Tavitian, Tufts, Vartanian, Walker, Warburton and Woodward.

STRAFFORD: Appleby, Banks, Bernard, Chamberlin, Chisholm, Couture, Dingle, Hennessey, Hussey, Robert Jones, Kincaid, Lussier, Paul Meader, Francis Robinson, Sackett, Gerald L. Smith, Timm, Franklin Torr and Ralph Torr.

SULLIVAN: Brodeur, D'Amante, Gray, Ingram, Irwin, Paul Johnson, Susan Lawrence, Palmer, Quinlan, Reney and Townsend.

#### NAYS 106

BELKNAP: Bolduc, Gary Dionne, Golden, Robert Hawkins and Matthew Locke.

CARROLL: Ashnault and Heath.

CHESHIRE: Crane, Hickey and William Riley.

COOS: Oleson and Theriault.

CRAFTON: Chambers, Copenhaver, Girouard, Michael King, McAvoy and Stewart.

HILLSBOROUGH: Abrams, Bergeron, Brack, Charbonneau, Cote, Cronin, Crotty, Durant, Gagnon, Gelinas, Daniel Healy, Hendrick, Kaklamanos, Katsiaficas, Evelyn King, Lynde, Lyons, Migneault, Nelson, Nickerson, O'Rourke, Pressly, Raiche, Peter Ramsey, Reidy, Resch, Robie, Talbot, Vachon, John Wallace, Roger Wallace, Ware, Robert Wheeler, James J. White, Eleanor Whittemore and Winn.

MERRIMACK: Anderson, Bardsley, Laurent Boucher, Chynoweth, Samuel Clark, Daniell, Arthur Locke, Mercier, Pannell, Parrish, Louise Roberts, Savaria, Lawrence Sullivan and Wallner.

ROCKINGHAM: Ames, Belanger, Blaisdell, Case, Cotton, Cressy, Danderson, Drake, Ellyson, Hollingworth, John Hynes, Glenden Kelley, Kozacka, LoFranco, Joseph MacDonald, McLane, Romoli, Rosencrantz, Simon and Webster.

STRAFFORD: Belhumeur, Blouin, Bouchard, Chagnon, Demers, Albert Dionne, Fielding, Flynn, Grassie, Joos, Musler, Pelley, Arnold Peters, Schreiber and Whiting.

SULLIVAN: Carlson, Converse and Flint, and HB 209 was referred to Appropriations.

Rep. Benton notified the Clerk that he wished to be recorded in favor of HB 209.

HB 190-FN, to provide for payment of ambulance service in unincorporated areas. Ought to Pass with Amendment.

This bill provides an equitable way to finance the cost of providing ambulance services to unincorporated areas. The amendment provides a vehicle for the volunteer ambulance personnel of Haverhill Hospital to collect, when necessary, on workmen's compensation insurance. Vote 16-0. Rep. David M. Perry for Municipal and County Government.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

to provide for payment of ambulance service in unincorporated areas and to designate members of the Cottage Hospital Volunteer Ambulance Service as state employees for the purpose of workmen's compensation eligibility.

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 Employee; Definition. Amend RSA 281:2 by inserting after paragraph IV-b the following new paragraph:

IV-c. Employee, with respect to public employment, also means any person who is a member of the Cottage Hospital Volunteer Ambulance Service of Haverhill, New Hampshire. Such a person shall be, solely for the purposes of this chapter and not otherwise, deemed to be in the employment of the state with respect to his membership in the Cottage Hospital Volunteer Ambulance Service. Any payments required to be made as a result of this paragraph shall be a charge against the general fund, and the governor shall draw his warrant for such payments from any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect 60 days after its passage.

Rep. Mann yielded to questions.

Reps. Chambers and Ware spoke against the amendment.

Rep. Mann spoke in favor of the amendment and yielded to questions.

Rep. Skinner spoke against the amendment and yielded to questions.

Rep. Blanchette moved that HB 190 be recommitted to the Committee on Municipal and County Government and spoke to her motion.

Adopted.

HB 179, authorizing counties to establish county personnel commissions. Ought to Pass with Amendment.

This is permissive legislation to allow those counties who so desire to establish personnel commissions. Vote 16-0. Rep. Lawrence Cronin for Municipal and County Government.



## Amendment

Amend RSA 24:26, II as inserted by section one of the bill by striking out same and inserting in place thereof the following:

II. A county convention which votes to establish a county personnel commission shall, by majority vote, determine which officers shall serve on the commission; provided, however, that not more than one member of the commission shall be elected from the county delegation.

Amendment adopted.

Ordered to third reading.

HB 114-FN, relative to sunset review of the N.H. higher education and health facilities authority. Ought to Pass with Amendment.

The amendment to HB 114 designates the Higher Education and Health Facilities Authority as a program appropriation unit (PAU). No State monies are involved in the authority's operational costs. The vote on the amendment was 9-8, the final vote to renew Higher Education and Health Facilities Authorities was 16-0. Rep. C. Dana Christy for Commerce, Housing and Consumer Affairs.

## Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 New PAU Created. A PAU is hereby created for the New Hampshire higher education and health facilities authority.

4 Effective Date. This act shall take effect upon its passage.

Rep. Christie spoke against the amendment.

Rep. Crory spoke in favor of the amendment and yielded to questions.

Rep. Quimby spoke in favor of the amendment.

Amendment adopted.

Referred to Appropriations.

HB 128-FN, relative to sunset review of Keene state - board of education. Inexpedient to Legislate.

PAU 0608 was instituted as a special appropriation to provide equipment and refurbish facilities at Keene State College for the vocational educational teaching programs. These facilities are now in place and in use. The need for this PAU is terminated. Vote 15-0. Rep. Ralph W. Pearson for Education.

Rep. William Boucher moved that HB 128 be recommitted to the Committee on Education.

Rep. Taffe spoke in favor of the motion. Adopted.

## SUSPENSION OF RULES

Rep. Parr moved that the Rules be so far suspended as to permit consideration of SB 19, establishing the Hampton Leased Land Real Estate Commission, without notice of

Committee report in the Calendar, and spoke to her motion.

Rep. Mann spoke in favor of the motion.

On a voice vote the Chair was in doubt and requested a division.

236 members having voted in the affirmative and 111 in the negative, the motion was adopted by the necessary two-thirds.

Question being on the report of the Committee, Ought to Pass.

Adopted.

Ordered to third reading.

Having voted with the prevailing side, Rep. Daniell moved that the House reconsider its action whereby it passed CACR 4.

Rep. Chase spoke against reconsideration.

A roll call was requested. Sufficiently seconded.

(Speaker Pro Tem presiding)

YEAS 49 NAYS 300

YEAS 49

BELKNAP: Matthew Locke.

CARROLL: Dickinson.

CHESHIRE: Elmer Johnson.

COOS: Oleson.

CRAFTON: Christy, Driscoll, Stewart and Weymouth.

HILLSBOROUGH: Ahlgren, Bass, Cote, Durant, Levesque, Howard Mason, Nickerson, Nute, Raiche, Reidy, Sallada, B. P. Smith, Mary Sullivan, Roger Wallace, Ware, Emma Wheeler, Kenneth Wheeler and Robert Wheeler.

MERRIMACK: Daniell, Jacobson, Lewis, Arthur Locke, Mercier and Parrish.

ROCKINGHAM: Danderson, Ellyson, Harry Flanders, Thomas Gage, Kane, Newell, Pevear, Rosencrantz, Schwane, Sloan and Stork.

STRAFFORD: Appleby, Bouchard, Arnold Peters, Schreiber and Timm.

SULLIVAN: D'Amante.

NAYS 300

BELKNAP: Bastraw, Birch, Bolduc, Bowler, Dexter, Gary Dionne, Golden, Hardy, Robert Hawkins, Holbrook, Lamprey, Nighswander, Pearson, Randall, Sanders, David Whittemore and Zeckhausen.

CARROLL: Ashnault, Chase, Heath, Robert Holmes, Hraba, Kenneth MacDonald, McIntire, Murphy, Powers and Saunders.

CHESHIRE: Barber, Boulter, Eugene Clark, Crane, Davis, Daniel Eaton, Cordon, Crodin, Lane, Matson, David Meader, Michaelides, Morse, Parker, Perkins, Perry, William Riley and William Sullivan.

COOS: Brideau, Harold Burns, Chardon, Coulombe, Cuay, David King, Langley, Pelletier, Theriault, Valliere and York.

CRAFTON: Blair, Chambers, Copenhaver, Crory, Densmore, Downing, Duggan, Easton, Girouard, Harnish, Hutchings, Michael King, Wayne King, Logan, Mann, McAvoy, Stevens, Taffe, Walter, Ward and Whitcomb.

HILLSBOROUGH: Abrams, Debora Ahern, Richard Ahern, Ahrens, Arnold, Arris, Baker, Bergeron, Bolan, Boutwell, Brack, John Burns, Leslie Burns, Carragher, Charbonneau, Craig, Cronin, Crotty, Donovan, Drewiak, Duffett, Dupont, Duprey, Clyde Eaton, Joseph Eaton, Fields, Ford, Gagnon, Calway, Gelinas, Grasso, Harrington, George Hawkins, Head, Daniel Healy, Hendrick, Humphrey, Jean, Kakkamanos, Kashulines, Katsiaticas, Keefe, Robert Kelley, Evelyn King, Knight, Labombarde, John Lawrence, Leclerc, Lefebvre, David Lemire, Roland Lemire, Lynde, Lyons, Martineau, McGlynn, Migneault, Morrisette, Nelson, O'Rourke, Paradis, Parmenter, Marjorie Peters, Pressly, Quinn, Peter Ramsey, Resch, Robie, Ellen-Ann Robinson, Roy, Russell, Silva, Leonard Smith, Soucy, Steiner, James Sullivan, Sylvia, Talbot, Turgeon, Vachon, Van Loan, Wagner, John Wallace, Geraldine Watson, Harold Watson, Wells, James J. White, Eleanor Whittemore, M. Arnold Wight, Winn and Lucille Wood.

MERRIMACK: Allgeyer, Anderson, Bardsley, Bibbo, Laurent Boucher, Bowes, Chynoweth, Samuel Clark, Dean, Gross, Mary Holmes, Kinhan, LaBranche, Maltais, Nichols, Pannell, Phelps, Doris Riley, Louise Roberts, William Roberts, Rogers, Savaria, Shepard, Gerald R. Smith, Stark, Stio, Lawrence Sullivan, Underwood, Wallner and James Whittemore.

ROCKINGHAM: Ames, Bangs, Belanger, Beliveau, Benton, Blaisdell, Blake, Blanchard, Blanchette, William Boucher, Burdick, Butler, Campbell, Case, Cotton, Cressy, Drake, Flanagan, John Flanders, Greene, Hollingworth, John Hynes, Joslyn, Katsakiores, Keenan, Glenden Kelley, Roger King, Kozacka, Krasker, Leslie, LoFranco, Longworth, Lovejoy, Joseph MacDonald Mace, Malcolm, Robert Mason, McLane, William Moore, Nagel, Nevins, Newman, Palumbo, Pantelakos, Parr, Popov, Quimby, Romoli, Schmidtchen, Simon, Skinner, Sochalski, Splaine, Sytek, Tavitian, Tufts, Vartanian, Walker, Warburton, Webster and Woodward.

STRAFFORD: Banks, Belhumeur, Bernard, Blouin, Chagnon, Chamberlin, Chisholm, Couture, Demers, Dingle, Albert Dionne, Fielding, Flynn, Grassie, Hennessey, Hussey, Robert Jones, Joos, Kincaid, Lussier, Paul Meader, Musler, Pelley, Francis Robinson, Sackett, Gerald L. Smith, Franklin Torr, Ralph Torr and Whiting.

SULLIVAN: Brodeur, Carlson, Converse, Flint, Gray, Ingram, Irwin, Paul Johnson, Susan Lawrence, Palmer, Quinlan, Renee and Townsend, and reconsideration lost.

Rep. Paul Meader offered the following:

#### HOUSE RESOLUTION NO. 26

memorializing former Representative  
Howell F. Preston of Rochester.

WHEREAS, we have learned with sorrow of the death of Howell Preston, and

WHEREAS, a lifelong resident of the Rochester area, Howell Preston is credited with having served as a United States Mail Carrier for 41 years, and

WHEREAS, a five term member of the New Hampshire House, Howell Preston served the people of Strafford County with distinction as an honored member of the Standing Committee on State Institutions and the Strafford County Delegation, and

WHEREAS, Howell Preston's outstanding dedication to the public welfare was also evident through his tenure as a Councilman for the City of Rochester now, therefore be it

RESOLVED, by the New Hampshire House of Representatives in Regular Session convened, that expressions of sympathy be extended to his wife, Thelma, and family, and be it further

RESOLVED, that a suitable copy of this resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

#### SENATE MESSAGES REQUESTS CONCURRENCE

#### SENATE CONCURRENT RESOLUTION NO. 3

memorializing Jean S. Tufts.

WHEREAS, we have learned with sorrow of the death of Mrs. Jean S. Tufts; and

WHEREAS, Mrs. Tufts served as principal of the Rockingham School for Special Education and, during her tenure, expanded the school from a small group of students meeting in a church basement to a large volunteer program with its own building, able to meet the special needs of handicapped children of all ages; and

WHEREAS, Mrs. Tufts served as executive director of the Greater Manchester Child Care Association from 1970 to 1972 and pioneered many programs in the special education field; and

WHEREAS, Mrs. Tufts served as president of the National School Boards' Association and worked with local, state and federal groups concerned with special education needs and conducted numerous seminars and workshops for both lay and professional organizations; and

WHEREAS, Mrs. Tufts' outstanding dedication to the cause of education is further demonstrated by her service with numerous organizations, including the Exeter School Board, the New Hampshire Teachers Education Council, the New Hampshire State Library Commission, and the Rehabilitation Center of Portsmouth; and

WHEREAS, Mrs. Tufts was appointed by President Reagan in 1981 as Assistant United States Secretary for Special Education and Rehabilitative Services, worked closely with

the National Institution of Handicapped Research and numerous special education programs, and was responsible for the refining of existing programs concerning care of the handicapped and special education needs; and

WHEREAS, Mrs. Tufts' dedication to community service is further evident from her membership in numerous organizations, including the board of directors of National Friends of Public Television, the Exeter Area Health Committee, the Appalachian Mountain Club and the 4-H; now, therefore be it

RESOLVED, by the Senate, the House of Representatives concurring:

That we mourn the passing of one of New Hampshire's most outstanding and energetic citizens; and

That our sympathy is extended to her husband, Arthur, and to the rest of her family; and

That a suitable copy of this resolution be prepared for presentation to them.

Unanimously adopted by a rising vote of silent prayer.

Rep. Harold Burns moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourn today it be to meet Tuesday March 15, at 1:00 p.m.

Adopted.

#### LATE SESSION

##### Third reading and final passage

HB 80, relative to automobile warranties.

HB 178-FN, relative to utilities' eminent domain procedures.

HB 71, relative to the treatment of horses.

HB 68, eliminating the protection for the common feral pigeons and increasing the protection of seals.

HB 76-FN, establishing an account for the proceeds from the sale of fish food at fish hatchery vending machines.

HB 199-FN, relative to the office of ombudsman.

HB 144-FN, relative to sunset review of the labor department - administration and support.

HB 179, authorizing counties to establish county personnel commissions.

HB 203-FN, authorizing the town of Epping, with voter approval, to issue bonds to meet certain legal expenses and amending the establishment of authorized reserve funds.

HB 193, establishing the second week of October as earth care week.

HB 211, requiring school buses to remain stopped at railroad crossings until an approaching train has passed and signals have stopped flashing.

HB 212-FN, relative to signs for handicapped parking.

HB 215, relative to driving after suspension or revocation.

HB 173, providing for a mandatory winter stay of dispossession for certain residential tenants who have defaulted on their rent.

CACR 4, relating to size of the senate. Providing that the senate shall consist of 48 members.

HB 49, relative to certain fish and game licenses for persons 68 years of age or older and blind persons.

SB 19, establishing the Hampton Leased Land Real Estate Commission.

SCR 3, memorializing Jean S. Tufts.

#### SENATE MESSAGE CONCURRENCE

HB 151-FN, relative to sunset review of the department of public works and highways - maintenance.

HB 152-FN, relative to sunset review of the department of public works and highways - community assistance state funds.

#### ENROLLED BILLS REPORT

HB 2, providing for certain benefits to the widow and estate of Hugh J. Callen.

HB 14, relative to the setting of deer season.

HB 19, allowing publications required to be deposited with the state library to be deposited at no cost to the state library.

HB 21, authorizing the establishment of the Electric Light Department Trust in New Ipswich.

HB 67, exempting real and personal property of Granges from taxation.

HB 141, relative to sunset review of the safety department - division of state police.

HB 150, relative to sunset review of the department of public works and highways - construction and reconstruction.

Rep. Francis Donovan  
Sen. Susan McLane  
For The Committee.

Rep. Harold Burns moved that the House stand in recess for the purpose of Introduction of Bills only.

Adopted.

The House recessed at 4:47 p.m.

#### RECESS

(Speaker Pro Tem in the Chair)

Rep. Leslie offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 383 through 399, and House Joint Resolution numbered 3, and Concurrent Resolutions Proposing Constitutional Amendments numbered 10, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

INTRODUCTION OF HOUSE BILLS, HJR and CACR  
First, second reading and referral

HB 383-FN, prohibiting tax exemptions for the legally blind who hold driver's licenses. (Blouin of Strafford Dist. 2; Dickinson of Carroll Dist. 2 - To Municipal and County Government)

HB 384, to establish a task force to design a cooperative system of placements for children. (Vartanian of Rockingham Dist. 20; McLane of Dist. 15 - To State Institutions)

HB 385-FN, limiting the services of the fish and game department to private ponds that do not have public access. (Theriault of Coos Dist. 8; Lemire of Coos Dist. 8; Guay of Coos Dist. 7; Bideau of Coos Dist. 8 - To Fish and Game)

HB 386-FN, requiring the state to pay for out-of-state placement of juveniles. (Ahrens of Hillsborough Dist. 13 - To Health and Welfare)

HB 387-FN, requiring a biennial audit of the legislative accounts. (Warburton of Rockingham Dist. 6 - To Legislative Administration)

HB 388, relative to special licenses and permits for nonprofit organizations. (Lemire of Coos Dist. 8; Theriault of Coos Dist. 8 - To Regulated Revenues)

HB 389, relative to preservation of prime farmland. (Johnson of Cheshire Dist. 3 - To Municipal and County Government)

HB 390, prohibiting the use of live animals as prizes. (Dickinson of Carroll Dist. 2; Wiggins of Dist. 8 - To Fish and Game)

HB 391, amending certain banking laws. (Demers of Strafford Dist. 9 - To Commerce, Housing and Consumer Affairs)

HB 392-FN, relative to dams owned by the department of fish and game. (Lewis of Merrimack Dist. 5 - To Resources, Recreation and Development)

HB 393, relative to the minimum wage for youths. (Carpenito of Rockingham Dist. 20 - To Labor, Human Resources and Rehabilitation)

HB 394-FN, amending various provisions of the motor vehicle laws. (Gordon of Cheshire Dist. 5 - To Transportation)

HB 395-FN, permitting the naming of contingent beneficiaries for retirement benefits under the state retirement system. (Kozacka of Rockingham Dist. 13 - To Executive Departments and Administration)

HB 396, permitting voters in towns with a population of 700 or more persons to petition to keep the polls open until 8:00 p.m. (Cressy of Rockingham, Dist. 16; Flanagan of Rockingham Dist. 8; McAvoy of Grafton Dist. 1; Bartlett of Dist. 19 - To Statutory Revision)

HB 397-FN, increasing the per diem charge for impounded dogs. (Robie of Hillsborough Dist. 27; Arris of Hillsborough Dist. 19 - To Municipal and County Government)

HB 398-FN, relative to the definition of public employee and supervisor. (Dickinson of Carroll Dist. 2 - To Labor, Human Resources and Rehabilitation)

HB 399-FN, relative to responsibility for damages resulting from discrimination promoted or caused by the collective

bargaining process. (Dickinson of Carroll Dist. 2 - To Labor, Human Resources and Rehabilitation)

HJR 3, to authorize a more comprehensive program to conserve the water resources of the state. (Woodward of Rockingham Dist. 18; Chardon of Coos Dist. 6; Hendrick of Hillsborough Dist. 12; Dickinson of Carroll Dist. 2; Blair of Grafton Dist. 8 - To Resources, Recreation and Development)

CACR 10, relating to the budget.

Providing that it shall not contain non-germane amendments, sections or footnotes. (Johnson of Cheshire Dist. 3 - To Constitutional Revision)

RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn.  
Adopted.

SEATING CHANGE

Rep. Ralph Parker from 4-81 to 4-95

Rep. Ellen-Ann Robinson from 5-30 to 2-31



# HOUSE JOURNAL 11

*Tuesday, 15Mar83*

The House assembled at 1:00 p.m., and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

Almighty God, to You who hears us in our formal prayers, in our shouts of anger and in our deep inner sighs of despair, hear us now as we ask for Your direction. Lead us not into the temptations of self-defeating introspection, self-centeredness, pride, jealousy or destructive competition with other states. Lead us into a fuller awareness of Your universality of love, teach us the true meaning of being Your children, sisters and brothers in one family. Lead us with the comfort of Your love, the counsel of the Holy Spirit and the hope of victory through Christ. Amen.

Rep. Benton led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Zajdel, Connors, Bolan, Waldron, Stimmell, Blake and Francis Robinson, the day, illness.

Reps. Raymond Wood, Nevins, Lucille Wood, Galloway, Cate, Stylianos, Day, William Dion and Roland Lemire, the day, important business.

## INTRODUCTION OF GUESTS

Rich Lundstrom, Tom Kurtz and Chris Phillips, students from Franklin Pierce College, guests of Rep. Michaelides; Terry Sullivan and Gary Bunce of Keene High School, guests of Rep. William Sullivan; Student Council of Manchester Central High School and their Advisors, Carol Dugan Leonard and Grace Sullivan, guests of Rep. Mary Sullivan; Jean Letourneau, guest of Rep. Girouard; Mark Wheeler, a senior from Woodsville High School, guest of Rep. Mann.

## ENROLLED BILL REPORT

SB 19, establishing the Hampton Leased Land Real Estate Commission.

Rep. William Matson  
Sen. Laurier Lamontagne  
For The Committee.

## SENATE MESSAGES REQUESTS CONCURRENCE

SB 16, increasing the jurisdictional amount of the small claims court.

## REQUESTS CONCURRENCE WITH AMENDMENT

HB 31, establishing a penalty for a racing licensee's failure to submit certain required information on time. (Amendment printed SJ 3/10)

Rep. Kenneth MacDonald moved that the House concur.  
Adopted.

## SUSPENSION OF RULES

Reps. Rounds and Spirou moved that the Rules be so far suspended as to permit consideration at the present time of HB 402, relative to bonding reauthorization, without referral to committee, printing, public hearing, committee report and notice in the Calendar.

Reps. William Boucher and Krasker spoke in favor of the motion.

Adopted by the necessary two thirds.

Question being shall HB 402 be passed at the present time.

Adopted.

Rep. Rounds moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 219, establishing the ward lines for the city of Portsmouth and amending the Portsmouth city charter, was removed at the request of Rep. Krasker.

Adopted.

## COMMITTEE REPORTS (Consent Calendar)

HB 37-FN, limiting the area of operation for the housing finance agency. Ought to Pass with Amendment.

The State Housing Finance Authority shall not operate, with respect to any multi-family housing section 8, without the consent of the local Housing Authority. Existing section 8 contract shall not be affected by this bill. In the amendment the term "governing body" shall mean in a city, that governing body which is designed as such by the charter of the particular city; in a town, the board of selectmen. Vote 15-0. Rep. Gerald Vecchione for Commerce, Housing and Consumer Affairs.

## Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Housing Finance Authority. Amend RSA 204-C:11 (supp) as inserted by 1981, 466:2 by striking out said section and inserting in place thereof the following:

204-C:11 Area of Operation. The area of operation of the authority shall be the entire state; provided that, with the exception of data collection, the authority shall not operate with respect to any multi-family housing programs and the existing housing program under section 8 of the United States Housing Act of 1937, as amended, in any area in which a local authority of a municipality is operating,

without the consent by resolution of the local authority operating therein and the consent of the local governing body; and further provided that, in areas where there is no local authority operating, with the exception of data gathering, planning, single Family Programs and the Existing Housing Program under section 8 of the United States Housing Act of 1937, as amended, the authority shall not operate without the consent of the local governing body. The authority shall provide notice of its intent to operate any multi-family housing by sending a letter by registered mail to the board of selectmen or city council to request permission for such program. Any consents required by this section may limit the time and scope of activities to be conducted by the authority in the municipality. For the purposes of this chapter alone, the area of operation of a local authority shall mean the municipality for which it is created. The rights and remedies of any person having an existing contract under the Existing Housing Program under section 8 of the United States Housing Act of 1937, as amended, shall not be impaired or affected in any way by this section.

2 Definition. Amend RSA 204-C:1, XIII (supp) as inserted by 1981, 466:2 by striking out said paragraph and inserting in place thereof the following:

XIII. "Governing body" shall mean in a city that governing body which is designed as such by the charter of the particular city; in a town, the board of selectmen.

3 Effective Date. This act shall take effect 60 days after its passage.

HB 213, eliminating the requirement that payments be made on a quarterly basis for community mental health programs. Ought to Pass.

This bill directs the Commissioner of Health and Welfare to allocate funds to the mental health programs for disbursement on a monthly basis rather than quarterly, for the purpose of improving the cash flow in the state treasurer's office. Vote 17-1. Rep. Joseph A. MacDonald for Health and Welfare.

HB 93, concerning restitution by parents or legal guardians of certain children found to have committed burglary, robbery or theft. Refer for Interim Study.

The Committee feels that some sections of this bill have merit and would like the opportunity to study the matter further. Vote 12-3. Rep. Donna P. Sytek for Judiciary.

HB 92-FN, increasing the amount of annual wages paid to an individual for which contributions must be made for unemployment compensation. Ought to Pass.

It is in the best interest of the State, that this measure pass raising the Federal Unemployment Tax Act taxable wage base from \$6,000 to \$7,000 in wages paid to each employee in a tax year. Last August, the federal government enacted such a provision in a tax

package. New Hampshire is one of six states that has to increase their wage base \$1,000 to conform to federal law and would not allow employers to benefit from percentage differences in the fund. Vote 15-0. Rep. John W. Flanders for Labor, Human Resources and Rehabilitation.

HB 147-FN, relative to sunset review of the labor department - workmen's compensation. Ought to Pass.

This bill renews the Workmen's Compensation Division within the Department of Labor. Vote 15-0. Rep. Calvin Warburton for Labor, Human Resources and Rehabilitation.

HB 148-FN, relative to sunset review of the labor department - workmen's compensation commission. Ought to Pass with Amendment.

The amendment transfers the Workmen's Compensation Commission from the Labor Department to the Comptroller. This was recommended by the Governor's Management Review and by the present Labor Commissioner and his predecessor. Vote 15-0. Rep. Calvin Warburton for Labor, Human Resources and Rehabilitation.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

placing the workmen's compensation review commission for state employees under the jurisdiction of the comptroller.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

I Workmen's Compensation Commission Under Comptroller. Amend RSA 8 by inserting after section 59 the following new subdivision:

Workmen's Compensation Commission for State Employees

8:60 Workmen's Compensation Commission for State Employees.

I. There is hereby established within the department of administration and control a workmen's compensation commission for state employees. The commission shall adopt rules, pursuant to RSA 541-A, relative to processing claims of state employees in accordance with the provisions of RSA 281 and in accordance with rules adopted by the commissioner of labor which are applicable to insurance carriers.

II. The commission shall consist of 3 members appointed by the governor with the advice and consent of the council. The commission shall be composed as follows: one member shall be an attorney admitted to practice in New Hampshire; one member shall be a licensed physician; and one member shall be from the labor field.

III. Members of the commission shall serve for staggered terms of 3 years.

Each member shall serve until his successor is appointed and qualified. Vacancies shall be filled for the unexpired term. The governor shall designate one of the members as chairman. Two members shall constitute a quorum. Members shall receive \$75 for each day devoted to the work of the commission and shall be reimbursed for their reasonable expenses in connection with their official duties. The governor and council may remove any member of the commission as provided in RSA 4:1.

IV. In order to facilitate the prompt payment of state employee workmen's compensation benefits, the commission shall delegate limited authority to the comptroller who shall designate qualified personnel in the department of administration and control to review all state employee workmen's compensation claims and to make an initial determination of the merits of such claims.

V. The commission shall meet as often as necessary to review all claims by state employees after they have been determined as provided in paragraph IV and shall make a final determination of such claims. Any person aggrieved by the determination of the commission shall have the right to appeal for a hearing in the department of labor as provided in RSA 281:37 and RSA 281:40.

VI. The commission shall:

- (a) Make an annual report to the governor and council on its activities;
- (b) Advise the governor and council on problems involving workmen's compensation procedures for state employees and make recommendations for changes thereof;
- (c) Compile work injury data relative to state employees which shall be included in their annual report; and
- (d) Employ such clerical assistants as it shall deem necessary to carry out its functions.

VII. Departments, agencies, and institutions of the state shall comply with all provisions of RSA 281 and all applicable rules adopted by the commissioner of labor in the same manner as any other employer. The heads of such departments, agencies, and institutions shall designate one or more members of their staff to act in the capacity of workmen's compensation agent. Such agent shall act in accordance with rules adopted by the workmen's compensation commission for state employees.

8:61 Authority for Payment. The comptroller is hereby authorized to pay such sum or sums as may be awarded to state employees under the provisions of RSA 281. If the injured claimant was employed in a department or agency which has received a legislative appropriation for this purpose, the comptroller shall charge said sum or sums to the legislative appropriation. In the event there are not sufficient funds appropriated to the comptroller to make payments hereunder, the governor upon request of the comptroller is authorized to draw his warrant for such sums from any money in the treasury not otherwise appropriated, provided that payments made to employees paid from the highway fund shall be a charge upon said highway fund, that payments made to employees paid from the

fish and game fund shall be a charge upon said fish and game fund, that payments made to employees paid from special funds shall be a charge upon said special funds, and that payments made to employees paid from other funds shall be a charge upon the general fund.

8:62 Exception. In the event that federal regulations prohibit the direct assessment of payments made pursuant to the provisions of RSA 8:61, said payments shall be a charge against the general fund in the first instance and such recovery as is authorized and under such conditions as prescribed by federal regulations shall be made by each affected agency.

2 Reference Corrected. Amend RSA 106-B:25 as inserted by 1965, 374:1 by striking out in line 3 the citations "RSA 281:5, 6" and inserting in place thereof the following (RSA 8:60, 61 and 62) so that said section as amended shall read as follows:

106-B:25 Workmen's Compensation. Members of the auxiliary force shall be considered state employees for the purpose of workmen's compensation for state employees under RSA 8:60, 61 and 62.

3 Reference Corrected. Amend RSA 281:9, III as inserted by 1967, 403:7 as amended by striking out said paragraph and inserting in place thereof the following:

III. In the case of employees of the state, compensation shall be made as provided in RSA 8:61 and 62.

4 Repeal. The following sections are hereby repealed:

I. RSA 281:5, relative to the workmen's compensation review commission for state employees.

II. RSA 281:6, relative to payment of workmen's compensation to state employees.

III. RSA 281:6-a, relative to payment of workmen's compensation to state employees and federal regulations.

5 Transfer of Functions, Powers, and Duties. All functions, powers and duties of the workmen's compensation review commission for state employees are hereby transferred to the workmen's compensation commission for state employees, department of administration and control.

6 Reports. Unless explicitly provided otherwise, whenever reports, certifications, applications, or requests are required to be made to the workmen's compensation review commission for state employees, such report shall be filed with or made to the workmen's compensation commission for state employees, department of administration and control.

7 Effect on Prior Rules. This act shall not affect the orders and rules previously made or adopted by the workmen's compensation review commission for state employees.

8 Effect on Prior Actions or Proceedings. This act shall not affect any action or proceeding brought by or against the workmen's compensation review commission for state employees which is pending on the effective date of this act.

9 Transfer of Appropriations. All appropriations, grants, and other money available and to become available to workmen's compensation review commission for state employees are hereby transferred to the workmen's compensation commission for

state employees, department of administration and control, and shall be available for the objects and purposes for which appropriated, subject to any terms, restrictions, limitations, or other requirements imposed by state or federal law.

#### 10 Transfer of Employees.

I. The investigators and clerical staff attached to the workmen's compensation review commission for state employees are hereby transferred to the workmen's compensation commission for state employees, department of administration and control.

II. Nothing in this act shall be construed to deprive any classified employee of tenure rights or any right to protection provided him by law, rule, or under any retirement system.

III. Any classified employee not appointed or transferred pursuant to this act may exercise any special reemployment and layoff rights provided in the state personnel laws and rules which would have been available to said employee if the workmen's compensation commission for state employees, department of administration and control had not been established.

11 Transfer of Records, Equipment. All files, books, paper, records, equipment, supplies, service contracts, and other property of the workmen's compensation review commission for state employees shall be transferred to the workmen's compensation commission for state employees, department of administration and control.

12 Transition. The incumbent members of the workmen's compensation review commission for state employees as of the effective date of this act shall become members of the workmen's compensation commission for state employees, department of administration and control, and shall complete their existing terms.

13 Sunset Provisions. The workmen's compensation commission for state employees established by section 1 of this act shall terminate July 1, 1989, pursuant to RSA 17-G. A PAU is hereby established for the workmen's compensation commission for state employees, department of administration and control. The PAU for the workmen's compensation review commission for state employees is hereby terminated.

14 Effective Date. This act shall take effect July 1, 1983.

Referred to Appropriations.

Rep. Rounds offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 16, shall be by this resolution read a first and second time by the therein listed title and referred to the therein designated committee.

Adopted.

#### INTRODUCTION OF SENATE BILL

First, second reading and referral

SB 16, increasing the jurisdictional amount of the small claims court.  
(Judiciary)

Rep. Rounds moved that the Honorable Senate be notified that the House is ready to meet in Joint Convention at 1:45 p.m. for the purpose of hearing the Governor's Capital Budget message.

Adopted.

#### RECESS

#### SUSPENSION OF RULES

Rep. Rounds and Spirou moved that the rules be so far suspended as to place HB 402, relative to bonding reauthorization, on third reading and final passage at the present time.

Adopted by the necessary two-thirds.

Third reading and final passage

HB 402, relative to bonding reauthorization.

#### RECESS

#### JOINT CONVENTION

(Speaker Presiding)

#### CAPITAL BUDGET MESSAGE 1983-1984

Presented by

Governor John H. Sununu

Thank you very much. Madam Senate President, Mr. Speaker, members of the House and Senate and assembled guests. By law I am required to submit by March 15th a presentation of a capital budget for the State of New Hampshire.

One of the principal problems this state has had over the years, in my opinion, has been a failure to constructively address its capital needs in the context of not being able to afford what it probably needs the most. We have begun to address that process in some of the legislation you have already examined and are in the process of examining. In the guise of a fast track budget we have begun to address some of the capital needs of the state, particularly a major project of improvement at the State Prison, which I feel very strongly about. What I present to you today is a completion of that capital budgeting process as a message from the Governor's office to you as the Legislature, the House and the Senate, in a request for your support and your assistance in meeting these capital needs of the State of New Hampshire.

I have recognized already that we do have the fast track component in place. What I present to you today consists primarily of high priority programs required for the repair and maintenance of capital facilities already in place. It contains a major component of investments in areas where we can, because of the high cost of energy, recoup significant funds in a rapid program of return of payment. And it includes funds in a couple of areas which I feel are innovative and yet constructive additions to the capital investment of the State of New Hampshire. I am not going to dwell on the details in the message. It is not a complex message. Let me underscore the fact, however, that what we have before



you today is a capital budget total request of \$11,656,175. That includes a component of \$9,539,675 from the general fund and a highway fund component of \$1,914,500, with a Fish and Game capital improvement component of \$202,000. The items I would like to highlight in this presentation include the following:

First of all, a very innovative program that we recommend for capital improvements within the Public Works and Highways Department. We have included a sum of \$1,250,000 for an automated state fuel purchase and fleet records management system. This would be a system, which when installed, would permit the State of New Hampshire to purchase fuel in bulk with significant savings, and would allow us, through the automated features, to keep records of purchasers, in terms of driver, and in terms of automobiles or vehicles used in the process. And the data base it would create would provide us with the records necessary to keep track and manage effectively the fleet of the State of New Hampshire. But in addition to that, the cost savings that would accrue to the state due to the bulk purchases are so significant that we have a payback period of approximately two years in that investment. That to me is the kind of capital investment that is constructive, innovative, and I think typical of what we ought to be looking at in the State of New Hampshire.

We have another project in here that is of significance. One million, three hundred thirty-two thousand dollars for the regional waste treatment facilities on the Winnepesaukee River Basin. This represents the completion of a many year program which I think is consistent with our commitment to protect the environment and protect the quality of our waters in the state of New Hampshire. And I have been assured that this is the completion and does represent the close of a very successful program within the state.

There are two other major items in here I choose to call your attention to. One is the component of \$750,000 for the design and land acquisition for a facility for psychiatric care to replace the facilities at the New Hampshire Hospital. There have been a significant number of reports and examinations of the needs of the state, there still are some questions in terms of the exact size of that facility, whether it ought to be in combination with other facilities, what location it should have, and other aspects that address the capacity of service to those that have needs of psychiatric care. We are pursuing aggressively the decision-making process involved in arriving at conclusions on that program. But, the sum of money that we have provided here I think is appropriate to initiate the design, to make the final selection of site and to begin in the planning process that will allow us within this biennium, and I hope soon, come back with a definition of exactly what we want to accomplish and an exact mechanism for accomplishing it. What we ask in this budget is your consideration of those funds that are necessary to keep the momentum underway.

There is one area under the Department of Resources and Economic Development that I wish to stress. That is a major expenditure for repairs of some of the facilities at our state parks. We have, through this winter, suffered in terms of weather, some difficult conditions. And yet the prudence of this legislature in previous governors in making capital investments for snowmaking and facilities at Sunapee and Cannon have allowed us to recoup a significant portion of that investment. I ask, when you consider investments of this nature, that you consider the capacity of maintaining our revenue-raising capacity as an important part of your consideration. And when you examine that aspect, I ask that you keep that in mind.

We have an over eleven million dollar program here for your consideration. In terms of some of the historical capital budgets, it may appear to be large. Yet I ask that you examine it in the light of the cost of inflation and in light of the real cost of the failure to act. To renovate in a timely manner is as prudent an investment as I can think of. If we fail to meet some of the repairs that we have addressed here, the increased costs due to inflation, due to continued deterioration, and due to continued misuse of facilities will, I think in the long run, be a disservice to the citizens and the taxpayers of the State of New Hampshire.

I wish to thank the members of my staff, members of the House and Senate committees who joined us in examining previous definitions of capital needs and current needs in the context of the fiscal conditions of the state. I assure you that the Governor's Office wishes to work with you as closely as possible. What we have presented to you today in terms of a capital budget is a framework of investment for the future and I ask that you consider it in that light. I thank you for your attention and I look forward to working with you in meeting the needs of the State of New Hampshire in the coming year. Thank you very much.

Sen. Stabile and Rep. Rounds moved that the Joint Convention arise.

Adopted.

The Joint Convention adjourned.

HOUSE

(Speaker in the Chair)

COMMITTEE REPORTS (cont.)  
(Regular Calendar)

HB 1-FN, relative to executive branch reorganization. Ought to Pass with Amendment.

It was the unanimous vote of the Committee (22-0, 1 absent) that HB 1 provides an essential, clear blueprint for reorganization of the executive branch of state government. HB 1 does not by itself reorganize any area of the executive branch. Instead, it establishes the framework into which future individual bills establishing consolidated departments will be

placed. The Committee emphasizes that the House will have ample opportunity to address current situations, like the existence of 227 commissioners and 260 unclassified employees, as it goes about shaping the reorganized departments of state government in this and future sessions. The Committee believes that passage of HB 1 is a necessary first step in order to reorganize the executive branch into a structure which all the state's citizens can use and understand. Rep. Kathleen W. Ward for Executive Departments and Administration.

#### Amendment

Amend RSA 21-G:3 as inserted by section 1 of the bill by inserting after paragraph III the following new paragraph:

IV. The governor should meet regularly with the heads of all agencies. Communication and exchange of information and ideas among the agency heads, as well as between agency heads and the governor, should be the goal of these meetings.

Amend RSA 21-G:4, II as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

II. The large number of existing executive branch agencies, departments, boards, commissions, authorities and institutions should be significantly reduced by consolidating them into a reasonable number of departments.

Amend RSA 21-G:4 as inserted by section 1 of the bill by inserting after paragraph IV the following new paragraph:

V. There should be a uniform process for administrative appeals to an impartial body provided for each department established following the effective date of this chapter.

Amend RSA 21-G:5 as inserted by section 1 of the bill by striking out paragraph V of same and renumbering the original paragraphs VI through XI to read as V., VI., VII., VIII., IX. and X., respectively.

Amend RSA 21-G:7 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

#### 21-G:7 Field Operations.

I. A department shall not establish field operations unless specifically authorized to do so by statute; except that temporary field operations may be established upon a specific written declaration by the governor and council that an emergency exists. A temporary field operation shall not be continued beyond the adjournment of the next regular or special session of the general court following a declaration of emergency.

II. Legislative proposals by a department seeking establishment of field operations shall include evidence of the commissioner's written certification to the governor and council that all other agencies with field operations in the same vicinity of the state have been consulted to determine the feasibility of combining such field operations.

Amend RSA 21-G:8 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

21-G:8 Commissioners and Division Directors; Appointment; Term.

I. The commissioners of all departments established after the effective date of this chapter shall be appointed by the governor, with the consent of the council. Each commissioner shall be an unclassified employee and shall serve at the pleasure of the governor.

II. Each commissioner shall nominate for appointment by the governor, with the consent of the council, each division director within his department, for all departments established after the effective date of this chapter. Each division director shall be an unclassified employee and shall serve at the pleasure of the commissioner of his department.

Amend RSA 21-G:9, II as inserted by section 1 of the bill by striking out subparagraph (d) and renumbering the original subparagraphs (e) through (i) to read as (d), (e), (f), (g) and (h) respectively.

Amend RSA 21-G:9, IV as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

IV. The commissioner may not accept, on behalf of the department, any grants of money without first obtaining the express consent of the legislative fiscal committee established by RSA 14:30-a.

Amend RSA 21-G:11, II as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

III. The governor shall appoint the members of each advisory committee, with the advice of the commissioner, who shall have prescribed the functions of each advisory committee created.

Amend RSA 21-G:11, VI as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

VI. No member of an advisory committee shall receive any compensation, for services rendered the advisory committee, except mileage payments at the state employee rate, within the limits of the department's appropriations.

Amend RSA 21-G as inserted by section 1 of the bill by striking out section 13 of same and renumbering the original sections 14 through 21 to read as 21-G:13, 21-G:14, 21-G:15, 21-G:16, 21-G:17, 21-G:18, 21-G:19 and 21-G:20, respectively.

Amend the bill by striking out section 3 and inserting in place thereof the following:

#### 3 Cooperation by Transferred or Abolished Agencies.

I. The chief administrative authority of each agency transferred or abolished by the general court shall transmit to the joint committee on implementation of reorganization established by RSA 17-L, upon request, any information necessary to implement the reorganization, including, but not limited to:

- (a) A complete list of all personnel, including salaries and job descriptions;
- (b) A complete inventory of all real property, owned or leased, furniture, fixtures and equipment of every kind;
- (c) Financial data and information;

(d) A summary of all floor space in state or privately-leased office buildings then being utilized; and

(e) The terms and conditions of all outstanding legal obligations of the agency.

II. Every such agency and the personnel thereof shall fully cooperate with the joint committee on implementation of reorganization as it carries out its responsibilities.

Amend the bill by striking out section 4 and inserting in place thereof the following:

#### 4 Transition Plan for Reorganization.

I. On and after July 1, 1983, the governor shall appoint any commissioner he has authority to appoint under the provisions of RSA 21-G:8 and any law enacted by the general court relative to executive branch reorganization.

II. If a commissioner appointed in accordance with paragraph I of this section is a full time employee of the state at the time of appointment, the governor shall determine whether or not it is necessary to appoint an interim successor to fill the vacancy thereby created. Notwithstanding any other law, if the governor determines that it is necessary to fill this vacancy, he shall make an interim appointment to the vacant position, provided that the individual so appointed shall already be an employee of the agency in which the vacancy exists. The provisions of RSA 941-c, and any rule of the personnel department relative to an increase in compensation for classified personnel temporarily assigned to a position, for which the compensation exceeds that which the employee is receiving at the time of the temporary assignment, are hereby suspended for purposes of this act.

III.(a) The commissioners appointed under paragraph I of this section shall determine a workable transition plan for implementing the reorganization of the executive branch along functional lines, as provided for in this act and any law enacted by the general court relative to executive branch reorganization. This implementation plan shall include detailed procedures for such realignment, distribution, assignment, consolidation and coordination of agencies, powers, duties, functions and responsibilities within each department, consistent with the provisions of this act, as they shall determine. This plan also shall include procedures for the transfer and utilization of positions, personnel, funds, property, office space, facilities and equipment, and such other detail as is necessary to effectuate the purposes of this act and any law enacted by the general court relative to executive branch reorganization. The plan shall be completed not later than 12 months after the date of appointment of each commissioner appointed under the provisions of RSA 21-G:8 and any law enacted by the general court relative to executive branch reorganization.

(b) In order to prepare the implementation plan referred to in subparagraph (a) above, each commissioner appointed under paragraph I of this section shall be permitted to utilize the personnel, facilities and equipment of any existing agency transferred to that commissioner's

department in accordance with RSA 21-G and any law enacted by the general court relative to executive branch reorganization. Each commissioner shall exercise discretion in his requests for such assistance in order to insure the least possible disruption of the ongoing operations of the agency. Commissioners shall not seek agency assistance for any purpose other than preparing implementation plans. All agency personnel shall cooperate fully with commissioners requesting their assistance.

IV.(a) During the preparation of the implementation plan, the joint committee on implementation of reorganization shall require commissioners to make interim reports, not more frequently than once every 3 months, in such form and detail as the committee shall determine. These interim reports shall include, but are not limited to, the following information:

(1) Changes proposed in the number of personnel, by position, from the manning levels in the agencies transferred or abolished, and an estimate of the financial impact;

(2) The organizational units proposed for the new departments and the staffing levels thereof; and

(3) Any other financial impact resulting from reorganization.

(b) Upon completion each implementation plan shall be submitted to the joint committee on implementation of reorganization. A copy of the plan shall also be furnished to the comptroller.

Amend the bill by striking out section 5 and inserting in place thereof the following:

#### 5 Approvals and Transfers.

1. Implementation plans shall be approved or disapproved in accordance with RSA 17-L:5, VII.

II. Following approval of implementation plans by the joint committee on implementation of reorganization, the transfer or abolition of each agency transferred or abolished by the general court, and the organization of the department provided in the approved implementation plan, shall become effective on such date as shall be approved by the governor and by the joint committee on implementation of reorganization. The effective date, after the approval has been granted, shall be published in the rulemaking register provided for in RSA 541-A:3, 1(a)(2)(iii) at least 30 days prior to such date, together with a statement that the required parties have granted approval of the effective date.

III. Plans disapproved by the joint committee on implementation of reorganization prior to the date specified in paragraph IV of this section shall be returned to the commissioner for further refinement. The committee shall identify in writing those areas of the plan it finds objectionable or unacceptable.

IV. The effective dates of the approved implementation plans referred to in paragraph I of this section shall in no case be later than 14 months after the date of appointment of the commissioner of each department established in accordance with the provisions of RSA 21-G and any law

enacted by the general court relative to executive branch reorganization.

V. If any commissioner fails to submit an implementation plan which meets with the approval of the joint committee on implementation of reorganization prior to the date specified in paragraph IV of this section, the committee shall prepare the implementation plan for that department. This plan shall take effect not later than 4 months after the date specified in paragraph IV of this section, as determined by the joint committee on implementation of reorganization.

Amend the bill by striking out all after section 5 and inserting in place thereof the following:

6 Joint Committee on Implementation of Reorganization. Amend RSA by inserting after chapter 17-K the following new chapter:

#### CHAPTER 17-L JOINT COMMITTEE ON IMPLEMENTATION OF REORGANIZATION

17-L:1 Committee Established. There is hereby established the joint committee on implementation of reorganization.

17-L:2 Definition. In this chapter the term "agency" means any department, commission, board, institution, bureau, office or other entity, by whatever name called, other than the legislative and judicial branches of state government, established in the state constitution, statutes, session laws or executive orders.

17-L:3 Membership. The committee shall consist of 11 members, 5 of whom shall be representatives, 3 appointed by the speaker of the house, at least one of whom shall be a member of the house executive departments and administration committee, and 2 appointed by the house minority leader, at least one of whom shall be a member of the house executive departments and administration committee, and 5 of whom shall be senators, 3 appointed by the president of the senate, at least one of whom shall be a member of the senate executive departments committee, and 2 appointed by the senate minority leader, at least one of whom shall be a member of the senate executive departments committee. The governor, or his designee, shall be a non-voting member. The legislative members shall be appointed for their term of office, provided that all members shall be eligible for reappointment so long as they are qualified under the provisions of this section. Legislative members shall be appointed no later than December 30 of the year of their election to the general court, except that vacancies shall be filled for the unexpired term within 30 days of the creation of said vacancy, and the initial appointments under this chapter shall be made within 30 days of the effective date of this chapter. The members shall choose a chairman from their number.

17-L:4 Meetings and Compensation. The committee shall meet monthly on a regularly stated date and at such other times as the chair may call. The legislative members shall not be compensated but shall receive legislative mileage for their attendance at committee meetings.

#### 17-L:5 Committee Duties and Authority.

I. It shall be the duty of the committee to oversee the implementation of the Executive Branch Reorganization Act of 1983, RSA 21-G, and any other laws enacted by the general court relative to executive branch reorganization.

II. In order to accomplish its charge, the committee shall be allowed to utilize the personnel, facilities and services of the office of legislative services and the legislative budget assistant, and to request and utilize such assistance, personnel, facilities and advice as may be obtained from any and all governmental and private sources, including, but not limited to, business, labor and private agencies, individuals or organizations.

III. The committee shall have the power to inspect and make copies of the books, records or files of all agencies, and to call on the members or employees of any and all existing departments, institutions or agencies of the state for data and assistance, and all such departments, institutions and agencies are hereby directed to cooperate with the committee.

IV. The committee shall appoint, and fix the compensation of, any assistants necessary to carry out its responsibilities and compensate them out of funds appropriated to the committee or out of funds appropriated to the general court as joint expenses. The committee is authorized to make such other expenditures as are necessary to carry out its duties under this chapter and RSA 21-G.

V. The committee shall have the power to hold hearings, specify the form of all reorganization implementation plans, require written submissions from all agencies in such form and on such dates certain as they deem necessary, and do all other things necessary to accomplish the purposes of this chapter.

VI. The committee, in cooperation with the commissioners appointed pursuant to RSA 21-G, shall present legislation necessary to reflect the reorganized executive branch to the next regular session of the general court following the effective date of the implementation plans provided for in House Bill 1 of the 1983 regular session of the general court, an act relative to executive branch reorganization.

VII. The committee shall study and review each implementation plan submitted to it and shall approve or disapprove such plans. The committee shall hold at least one public hearing prior to approving or disapproving any implementation plan submitted by a commissioner, and shall hold at least one public hearing prior to setting an effective date for any plan drafted by the committee. Notice of these hearings shall be published in the house and senate calendars, and the rulemaking register provided for by RSA 541-A:3, I(a)(2)(iii), at least 7 days prior to the date of the hearing.

17-L:6 Dissolution. The joint committee on implementation of reorganization shall be deemed dissolved upon the completion of the reorganization provided for in RSA 21-G and this chapter at



such time shall be null, void and of no effect. The general court shall set the date of dissolution by joint resolution.

7 Joint Committee Reporting Requirement.

I. The joint committee on implementation of reorganization established in RSA 17-L shall report in writing to the speaker of the house and the president of the senate on the status of reorganization once every 6 months. A copy of this report shall be sent to the governor.

II. The report shall include a statement of the status of each departmental reorganization commencing after the effective date of this act. The report shall detail the committee's findings as to whether the progress being made on each implementation plan is satisfactory or unsatisfactory. Members of the general court shall be afforded access to these reports.

8 Effective Date.

I. Sections 1, 2, 3, 4, and 5 of this act shall take effect July 1, 1983.

II. Sections 6 and 7 of this act shall take effect 60 days after its passage.

Amendment adopted.

Rep. Warburton offered an amendment.

Amendment

Amend RSA 21-C:8, I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. The commissioners of all departments established after the effective date of this chapter shall be appointed by the governor, with the consent of the council. Each commissioner shall be an unclassified employee.

Rep. Warburton explained his amendment.

Rep. Ward spoke against the amendment and yielded to questions.

Rep. Townsend spoke against the amendment.

Amendment lost.

Question being on the Committee report, Ought to Pass with Amendment.

Ordered to third reading.

Rep. Kaklamanos notified the Clerk that he wished to be recorded in favor of HB 1.

HB 48, permitting the department of fish and game to expend funds received under the Pittman-Robertson Act on endangered species. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: The majority opinion is that Pittman-Robertson funds are monies derived from excise taxes on sporting firearms and ammunition which sportsmen purchase for hunting. In addition, the Fish and Game Department which is funded entirely by hunting and fishing license monies in New Hampshire would find its personnel involved in caring for non-game species at the expense of New Hampshire sportsmen. Vote 13-6. Rep. Doris J. Riley for the Majority of Fish and Game.

MINORITY: The minority is of the opinion that expenditure of excess

Pittman-Robertson funds on threatened and endangered wildlife in New Hampshire is in the best interests of the wildlife resources of the state. This funding source would be available for threatened and endangered species projects only when the state could not match its full allotment for the Fish and Game Department projects on game species. Enactment of this legislation would not therefore divert funds from game management efforts. Rep. Mary Ann Lewis for the Minority of Fish and Game.

Rep. Lewis moved that the report of the Minority, Ought to Pass, be substituted for the report of the Majority, Inexpedient to Legislate, and spoke to her motion.

Rep. Doris Riley spoke against the motion and yielded to questions.

Reps. Samuel Clark and Gerald R. Smith spoke in favor of the motion and yielded to questions.

Reps. Pantelakos, Drake, and Shepard spoke against the motion.

Reps. Quimby and Townsend spoke in favor of the motion.

Rep. Gerald R. Smith spoke in favor of the motion and yielded to questions.

Rep. Zeckhausen moved the previous question. Sufficiently seconded.

Adopted.

Question being on the substitute motion, Ought to Pass, Rep. Doris Riley requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 229 NAYS 121

YEAS 229

BELKNAP: Bolduc, Bowler, Dexter, Gary Dionne, French, Hardy, Holbrook, Lamprey, Nighswander, David Whittemore and Zeckhausen.

CARROLL: Ashnault, Chase, Dickinson, Robert Holmes, Kenneth MacDonald, McIntire, Murphy and Saunders.

CHESHIRE: Barber, Boulter, Eugene Clark, Crane, Davis, Gordon, Hickey, Elmer Johnson, Matson, David Meader, Michaelides, Miller, Parker, Perry, Margaret Ramsay, William Riley and William Sullivan.

COOS: Brideau, Harold Burns, Chardon, Langley, Valliere and York.

GRAFTON: Blair, Chambers, Copenhaver, Crory, Densmore, Downing, Driscoll, Easton, Girouard, Harnish, Hutchings, Michael King, Wayne King, McAvoy, Rounds, Stevens, Stewart, Taffe, Walter, Ward and Whitcomb.

HILLSBOROUGH: Abrams, Richard Ahern, Ahlgren, Ahrens, Arnold, Arris, Bass, Bergeron, Carragher, Charbonneau, Cote, Craig, Duffett, Dupont, Clyde Eaton, Joseph Eaton, Fields, Ford, Grip, Harrington, Head, Daniel Healy, Hendrick, Humphrey, Jean, Michael Jones, Katsiaficas, Keefe, Robert Kelley, Knight, Lamy, Leclerc, Lefebvre, David Lemire, Lynde, Lyons, Martineau, McGlynn, Migneault, Morrisette, Nelson, O'Rourke, Marjorie Peters, Pressly, Quinn,

Raiche, Peter Ramsey, Resch, Robie, Ellen-Ann Robinson, Roy, Russell, Leonard Smith, Soucy, Spirou, Steiner, Mary Sullivan, Sylvia, Tamposi, Turgeon, Vachon, Van Loan, Wagner, John Wallace, Wells, James J. White, Eleanor Whittemore and Winn.

MERRIMACK: Bardsley, Bibbo, Laurent Boucher, Bowes, Chynoweth, Samuel Clark, Daniell, Dean, Gross, Mary Holmes, Kidder, Lewis, Maltais, Nichols, Parrish, Phelps, Louise Roberts, Walter Robinson, Rogers, Gerald R. Smith, Stark, Stio, Lawrence Sullivan, Underwood, Wallner and James Whittemore.

ROCKINGHAM: Belanger, Benton, Blanchard, Blanchette, Burdick, Butler, Campbell, Case, Cotton, Cressy, Flanagan, Harry Flanders, Beverly Gage, Thomas Gage, Gregorio, Hollingworth, John Hynes, Joslyn, Kane, Katsakiores, Keenan, Glenden Kelley, Kozacka, Krasker, Leslie, Mace, Malcolm, Robert Mason, McLane, Nagel, Newman, Palumbo, Parr, Pevear, Popov, Quimby, Rosencrantz, Scamman, Schwaner, Sherburne, Skinner, Sloan, Tufts, Vartanian, Warburton and Webster.

STRAFFORD: Belhumeur, Bernard, Couture, Demers, Dingle, Albert Dionne, Donnelly, Fielding, Robert Jones, Joos, Kincaid, Paul Meader, Musler, Sackett, Schreiber and Timm.

SULLIVAN: Brodeur, Converse, D'Amante, Flint, Ingram, Irwin, Paul Johnson, Susan Lawrence, Reney and Townsend.

#### NAYS 121

BELKNAP: Bastraw, Birch, Golden, Robert Hawkins, Matthew Locke, Pearson and Randall.

CARROLL: Hraba and Powers.

CHESHIRE: Daniel Eaton, Grodin, Lane, Morse, Perkins and Scranton.

COOS: Chappell, Coulombe, Guay, David King, George Lemire, Oleson, Pelletier and Theriault.

GRAFTON: Christy, Duggan, Logan and Weymouth.

HILLSBOROUGH: Debora Ahern, Baker, Boutwell, Burkush, John Burns, Leslie Burns, Cronin, Crotty, Donovan, Dreniak, Duprey, Durant, Gagnon, Galway, Grasso, George Hawkins, Walter Healy, Kashulines, Evelyn King, Labombarde, Levesque, Howard Mason, Nickerson, Nute, Paradis, Parmenter, Reidy, Sallada, Silva, B. P. Smith, Talbot, Roger Wallace, Ware, Geraldine Watson, Harold Watson, Emma Wheeler, Kenneth Wheeler and Robert Wheeler.

MERRIMACK: Allgeyer, Anderson, Degnan, Kinhan, LaBranche, Arthur Locke, Mercier, Pannell, Doris Riley, Savaria, Shepard and Trombly.

ROCKINGHAM: Ames, Bangs, Beliveau, Blaisdell, William Boucher, Danderson, Drake, Ellyson, John Flanders, LoFranco,

Longworth, Lovejoy, Joseph MacDonald, William Moore, Newell, Pantelakos, Romoli, Schmidtschen, Simon, Sochalski, Splaine, Sytek, Tavitian, Walker and Woodward.

STRAFFORD: Appleby, Banks, Blouin, Bouchard, Chagnon, Chamberlin, Chisholm, Flynn, Hamel, Hennessey, Hussey, Lussier, Pelley, Arnold Peters, Franklin Torr and Ralph Torr.

SULLIVAN: Carlson, Gray and Palmer, and the motion was adopted.

Rep. Gerald R. Smith offered an amendment.

#### Amendment

Amend RSA 212-A:15 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:  
212-A:15 Limitation on Certain Funds.

I. No funds used to carry out the provisions of this chapter shall be derived from license fees of hunters, fishermen, or trappers unless the species for which the funds are expended have been legally hunted, fished or trapped within the past 5 years. The Canada lynx (*Lynx canadensis*) and the pine marten (*Martes americana*) shall be exempted from this limitation of 5 years.

II. Federal funds from the Dingell-Johnson and Pittman-Robertson federal aid in fish and wildlife restoration programs may be used to carry out the provisions of this chapter only when the state is unable to provide matching funds for the entire New Hampshire allotment for use on species presently hunted, fished or trapped; and only if the state match for endangered species projects is not derived from taxes on the sale of equipment to hunters, trappers or fishermen or license fees of hunters, trappers or fishermen.

III. Any endangered species project for which Pittman-Robertson or Dingell-Johnson funding is considered must be approved by at least 9 of the fish and game commissioners in a recorded vote, and in writing by the executive director of the fish and game department.

IV. Prior to January 21 of each regular legislative session, the executive director of the fish and game department shall present to the house fish and game committee and the senate development, recreation and environment committee a report on the status of any such projects, to include the amount of funding and participation, source and nature of the match, project description, progress report, and certifications of approval required by paragraph III. The final control of and responsibility for any such project and cooperative agreement shall be placed with the executive director of the fish and game department.

Hearing no objection the Chair advised the Clerk to dispense with the reading of the amendment.

Rep. Smith explained his amendment and yielded to questions.

Amendment adopted.

Ordered to third reading.

HB 188-FN, to increase the personal needs allowance for recipients of medical assistance residing in nursing homes. Ought to Pass with Amendment.

Following considerable discussion and numerous votes, the Committee voted Ought to Pass with Amendment (12-8). The amendment changes the allowance increase from \$15 a month to \$5 a month, bringing the total to \$30 per month. Rep. Carole M. Nevins for Health and Welfare.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Personal Needs of Nursing Home Residents. Amend RSA 167 by inserting after section 27 the following new section:

167:27-a Personal Needs of Nursing Home Residents. The director of the division of welfare, department of health and welfare, shall permit each medical assistance recipient approved for nursing home payments to retain from his net monthly income at least \$30 a month for his personal needs. If the net monthly income of such a recipient is less than \$30 a month, the director shall provide sufficient old age assistance or aid to the permanently and totally disabled to allow the recipient an amount equal to at least \$30 a month for his personal needs.

Amendment adopted.

Question being on the Committee report, Ought to Pass with Amendment, a roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 315 NAYS 18

YEAS 315

BELKNAP: Bastraw, Bolduc, Bowler, Dexter, Gary Dionne, French, Golden, Hardy, Robert Hawkins, Holbrook, Lamprey, Nighswander, Pearson, Randall, David Whittemore and Zeckhausen.

CARROLL: Ashnault, Dickinson, Heath, Robert Holmes, Hraba, Kenneth MacDonald, McIntire, Murphy, Powers and Saunders.

CHESHIRE: Barber, Boulter, Eugene Clark, Crane, Davis, Daniel Eaton, Gordon, Hickey, Elmer Johnson, Lane, Matson, David Meader, Michaelides, Parker, Perkins, Perry, William Riley and William Sullivan.

COOS: Brideau, Harold Burns, Chappell, Chardon, Coulombe, Guay, David King, George Lemire, Pelletier, Theriault, Valliere and York.

CRAFTON: Blair, Chambers, Christy, Copenhagen, Crory, Densmore, Downing, Driscoll, Duggan, Easton, Girouard, Harnish, Hutchings, Wayne King, Logan, McAvoy, Rounds, Stevens, Stewart, Taffe, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Abrams, Debora Ahern, Richard Ahern, Ahlgren, Ahrens, Arnold, Arris, Baker, Bass, Bergeron, Boutwell, Burkush, John Burns, Leslie Burns, Carragher, Cote,

Craig, Cronin, Crotty, Donovan, Drewniak, Duffett, Dupont, Duprey, Durant, Joseph Eaton, Fields, Ford, Galway, Grasso, Grip, Harrington, George Hawkins, Head, Daniel Healy, Walter Healy, Hendrick, Humphrey, Jean, Michael Jones, Kashulines, Katsiaficas, Keefe, Robert Kelley, Evelyn King, Knight, Labombarde, Lamy, Leclerc, Lefebvre, David Lemire, Lynde, Lyons, Martineau, Howard Mason, McGlynn, Morrisette, Nelson, Nickerson, Nute, O'Rourke, Parmenter, Marjorie Peters, Pressly, Quinn, Raiche, Peter Ramsey, Reidy, Resch, Robie, Ellen-Ann Robinson, Roy, Sallada, Silva, B. P. Smith, Leonard Smith, Soucy, Spirou, Mary Sullivan, Sylvia, Talbot, Tamposi, Turgeon, Vachon, Wagner, John Wallace, Roger Wallace, Ware, Geraldine Watson, Harold Watson, Wells, Emma Wheeler, Kenneth Wheeler, Robert Wheeler, James J. White, Eleanor Whittemore and Winn.

MERRIMACK: Allgeyer, Anderson, Bardsley, Bibbo, Laurent Boucher, Bowes, Chynoweth, Samuel Clark, Daniell, Dean, Degnan, Mary Holmes, Kidder, Kinhan, LaBranche, Lewis, Arthur Locke, Maltais, Mercier, Nichols, Pannell, Parrish, Phelps, Doris Riley, Walter Robinson, Rogers, Savaria, Gerald R. Smith, Stark, Stio, Lawrence Sullivan, Trombly, Underwood, Wallner and James Whittemore.

ROCKINGHAM: Ames, Bangs, Belanger, Beliveau, Benton, Blaisdell, Blanchard, Blanchette, William Boucher, Burdick, Campbell, Carpenito, Case, Cotton, Cressy, Danderson, Drake, Ellyson, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Gregorio, Hollingworth, John Hynes, Katsakiores, Keenan, Glenden Kelley, Kozacka, Krasker, Leslie, LoFranco, Longworth, Lovejoy, Joseph MacDonald, Mace, Robert Mason, McLane, William Moore, Nagel, Newell, Newman, Palumbo, Pantelakos, Parr, Pevear, Popov, Quimby, Romoli, Rosencrantz, Scamman, Schwaner, Sherburne, Simon, Skinner, Sloan, Sochalski, Splaine, Stork, Tavitian, Tufts, Vartanian, Walker, Webster and Woodward.

STRAFFORD: Banks, Belhumeur, Bernard, Blouin, Bouchard, Chagnon, Chamberlin, Chisholm, Couture, Demers, Dingle, Flynn, Hamel, Hennessey, Hussey, Robert Jones, Kincaid, Lussier, Paul Meader, Musler, Pelley, Arnold Peters, Schreiber, Timm and Ralph Torr.

SULLIVAN: Brodeur, Carlson, Converse, D'Amante, Flint, Gray, Ingram, Irwin, Paul Johnson, Susan Lawrence, Palmer, Reney and Townsend.

NAYS 18

BELKNAP: Matthew Locke.

CARROLL: None.

CHESHIRE: Grodin.

COOS: None.

CRAFTON: None.

HILLSBOROUGH: Charbonneau, Clyde Eaton, Levesque, Migneault and Steiner.

MERRIMACK: Louise Roberts and Shepard.

ROCKINGHAM: Butler, Joslyn, Sytek and Warburton.

STRAFFORD: Appleby, Albert Dionne, Donnelly, Fielding and Joos.

SULLIVAN: None, and the Committee report was adopted.

Referred to Appropriations.

Rep. Malcolm notified the Clerk that he wished to be recorded in favor of HB 188.

Rep. Donnelly notified the Clerk that she inadvertently voted nay and meant to vote yea.

HB 97, providing for the protection of elected public official's employment. Refer for Interim Study.

This measure needs further in-depth study. Vote 10-5. Rep. Calvin Warburton for Labor, Human Resources and Rehabilitation.

Referred for Interim Study.

HB 176, to allow bowling centers to serve liquor and beverages to persons in certain spectator areas. Majority: Ought to Pass. Minority: Inexpedient to Legislate.

MAJORITY: The Majority of the Committee felt that the bill is consistent with established practices in other indoor/outdoor recreational activities. Vote 10-5. Rep. Gerard E. Powers, Jr. for the Majority of Regulated Revenues.

MINORITY: The minority feels that the current system of allowing bowlers to drink in the lounge after bowling is adequate. Many people prefer to bowl without having to sit with others who are drinking. Bowling is a family sport, and this bill will expose children to drinking adults. It will also increase the risk of accidents and injuries and increase the possibility of drunken driving. (Reps. Patti Blanchette, Howard Humphrey, Clyde Eaton, Marian Harrington, Gabrielle Gagnon for Minority of Regulated Revenues.)

Rep. Blanchette moved that the report of the Minority, Inexpedient to Legislate, be substituted for the report of the Majority, Ought to Pass, and spoke to her motion.

Reps. Kenneth MacDonald, Powers and Blaisdell spoke against the motion.

Rep. Harrington spoke in favor of the motion.

Rep. Blanchette requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 234 NAYS 96

YEAS 234

BELKNAP: Bolduc, Bowler, Dexter, Gary Dionne, Golden, Robert Hawkins, Holbrook, Lamprey, Matthew Locke, Nighswander, Pearson, David Whittemore and Zeckhausen.

CARROLL: McIntire and Saunders.

CHESHIRE: Barber, Boulter, Eugene Clark, Crane, Davis, Gordon, Grodin, Elmer Johnson, David Meader, Michaelides, Miller, Parker, Perry, Margaret Ramsay, William Riley and William Sullivan.

COOS: Chappell, Chardon, Coulombe, Pelletier and Theriault.

GRAFTON: Blair, Chambers, Christy, Copenhaver, Crory, Downing, Duggan, Easton, Harnish, Michael King, Wayne King, McAvoy, Stewart, Taffe, Walter, Ward and Weymouth.

HILLSBOROUGH: Abrams, Debora Ahern, Ahlgren, Arnold, Arris, Bass, Bergeron, Boutwell, Burkush, John Burns, Leslie Burns, Carragher, Craig, Cronin, Duffett, Dupont, Duprey, Clyde Eaton, Joseph Eaton, Fields, Ford, Gagnon, Grip, Harrington, George Hawkins, Head, Daniel Healy, Walter Healy, Hendrick, Humphrey, Michael Jones, Kashulines, Keefe, Evelyn King, Knight, Labombarde, Lamy, Lefebvre, David Lemire, Lynde, Lyons, Martineau, Howard Mason, McGlynn, Migneault, Morrisette, Nelson, Nickerson, Nute, O'Rourke, Paradis, Parmenter, Majorie Peters, Pressly, Quinn, Raiche, Peter Ramsey, Resch, Ellen-Ann Robinson, Roy, Sallada, Soucy, Spirou, Mary Sullivan, Sylvia, Talbot, Tamposi, Vachon, Van Loan, Wagner, Roger Wallace, Harold Watson, Emma Wheeler, Kenneth Wheeler, James J. White and Eleanor Whittemore.

MERRIMACK: Anderson, Bardsley, Bibbo, Laurent Boucher, Bowes, Chynoweth, Samuel Clark, Daniell, Dean, Degnan, Kinhan, LaBranche, Lewis, Arthur Locke, Maltais, Nichols, Pannell, Parrish, Doris Riley, Louise Roberts, Walter Robinson, Rogers, Savaria, Lawrence Sullivan, Trombly, Underwood, Wallner and James Whittemore.

ROCKINGHAM: Ames, Bangs, Beliveau, Benton, Blanchard, Blanchette, William Boucher, Burdick, Butler, Campbell, Carpenito, Case, Cressy, Danderson, Ellyson, Flanagan, Harry Flanders, Greene, Hollingworth, Joslyn, Keenan, Glenden Kelley, Kozacka, Krasker, Leslie, LoFranco, Longworth, Lovejoy, McLane, Nagel, Newell, Pevear, Popov, Quimby, Rosencrantz, Schwaner, Simon, Skinner, Sloan, Sochalski, Stork, Tavitian, Tufts, Vartanian, Walker, Warburton, Webster and Woodward.

STRAFFORD: Appleby, Banks, Belhumeur, Bernard, Chagnon, Chamberlin, Chisholm, Couture, Demers, Dingle, Albert Dionne, Donnelly, Fielding, Flynn, Hamel, Hennessey, Hussey, Joos, Pelley, Arnold Peters, Schreiber and Gerald L. Smith.

SULLIVAN: Carlson, D'Amante, Flint, Ingram, Irwin, Paul Johnson and Roney.

NAYS 96

BELKNAP: Bastraw, French, Hardy and Randall.

CARROLL: Ashnault, Dickinson, Heath, Robert Holmes, Kenneth MacDonald and Powers.



CHESHIRE: Daniel Eaton, Lane, Morse and Perkins.

COOS: Brideau, Harold Burns, Guay, George Lemire, Valliere and York.

CRAFTON: Densmore, Driscoll, Girouard, Hutchings, Logan, Rounds, Stevens and Whitcomb.

HILLSBOROUGH: Richard Ahern, Ahrens, Baker, Charbonneau, Cote, Crotty, Donovan, Drewniak, Durant, Falway, Grasso, Jean, Robert Kelley, Levesque, Reidy, Robie, Russell, Silva, B. P. Smith, Turgeon, John Wallace, Ware, Geraldine Watson, Wells, Robert Wheeler and Winn.

MERRIMACK: Allgeyer, Mary Holmes, Mercier, Phelps, Shepard, Gerald R. Smith, Stark and Stio.

ROCKINGHAM: Blaisdell, Cotton, Drake, John Flanders, Thomas Gage, Gregorio, John Hynes, Katsakiores, Joseph MacDonald, Mace, Robert Mason, William Moore, Newman, Palumbo, Pantelakos, Parr, Scamman, Schmidtchen, Sherburne and Sytek.

STRAFFORD: Blouin, Bouchard, Robert Jones, Kincaid, Lussier, Paul Meader, Musler, Timm, Franklin Torr and Ralph Torr.

SULLIVAN: Brodeur, Converse, Gray and Townsend, and the motion was adopted.

Question being on the substitute motion, Inexpedient to Legislate.

Resolution adopted.

Rep. Malcolm notified the Clerk that he wished to be recorded in favor of the Majority report, Ought to Pass.

HCR 3, expressing the sense of the general court that the President should propose that the United States and the Soviet Union adopt a mutual, verifiable nuclear weapons freeze. Majority: Refer for Interim Study. Minority: Ought to Pass.

MAJORITY: The Committee majority felt that due to the complicated nature of the resolution time does not allow for a thorough enough investigation to provide for the usual recommendations allowed Committees in the New Hampshire House. Therefore, under the circumstances, the majority of the Committee felt that the House's opinion on this matter should best come on the House floor. Vote 10-8. Rep. Sara M. Townsend for Majority of State-Federal Relations. MINORITY: The Committee minority voted Ought to Pass for the following reason: an overwhelming number of New Hampshire citizens support a mutually verifiable nuclear weapons freeze. Town meeting after town meeting, since last year, has approved resolutions similar to the one supported by the minority members of the Committee. The minority feels the members of the New Hampshire House have a moral obligation to respond to the sentiments of its citizens. The dangers inherent in the nuclear arms race will not wait for an interim committee study. (Reps. Chris Spirou, Mary

Chambers, Elaine Krasker, James Demers, Anne Leslie, Patti Blanchette and Roland Lemire for Minority of State-Federal Relations.)

Rep. Krasker moved that the report of the Minority, Ought to Pass, be substituted for the report of the Majority, Refer for Interim Study.

Reps. Katsiaficas, Daniell and Wayne King spoke in favor of the motion and yielded to questions.

Reps. James Demers, Harnish and Spirou spoke in favor of the motion.

Reps. Bangs and Dickinson spoke against the motion and yielded to questions.

Reps. Matthew Locke, Ingram, Sytek, French and Parr spoke against the motion.

Rep. William Russell moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 151 NAYS 193

YEAS 151

BELKNAP: Bolduc, Bowler, Gary Dionne, Golden, Lamprey, Nighswander and Zeckhausen.

CARROLL: McIntire and Murphy.

CHESHIRE: Barber, Boulter, Davis, Daniel Eaton, Gordon, Hickey, Matson, David Meader, Michaelides, Miller, Margaret Ramsay, William Riley and William Sullivan.

COOS: Brideau, Oleson, Pelletier and Theriault.

CRAFTON: Chambers, Copenhaver, Crory, Densmore, Downing, Girouard, Harnish, Hutchings, Michael King, Wayne King and Taffee.

HILLSBOROUGH: Richard Ahern, Ahlgren, Bass, Bergeron, Burkush, Cote, Donovan, Durant, Joseph Eaton, Ford, Gagnon, Harrington, Head, Walter Healy, Hendrick, Jean, Michael Jones, Kaklamanos, Katsiaficas, Keefe, Evelyn King, David Lemire, Lynde, Lyons, McGlynn, Migneault, Morrisette, O'Rourke, Parmenter, Pressly, Quinn, Raiche, Peter Ramsey, Resch, Robie, Leonard Smith, Soucy, Spirou, Talbot, Wagner, John Wallace, Roger Wallace, James J. White and Winn.

MERRIMACK: Bardsley, Bowes, Chynoweth, Samuel Clark, Daniell, Dean, Degnan, Gross, Kinhan, Pannell, Parrish, Phelps, Louise Roberts, Rogers, Savaria, Lawrence Sullivan, Trombly, Underwood, Wallner and James Whittemore.

ROCKINGHAM: Belanger, Beliveau, Blanchard, Blanchette, Carpenito, Case, Cotton, Cressy, Hollingworth, John Hynes, Keenan, Kozacka, Krasker, Leslie, Joseph MacDonald, McLane, Newman, Pantelakos, Pevear, Popov, Quimby, Rosencrantz, Simon, Sloan, Sochalski and Splaine.

STRAFFORD: Banks, Belhumeur, Bernard, Blouin, Chagnon, Chisholm, Demers, Donnelly, Flynn, Joos, Musler, Pelley, Arnold Peters, Sackett, Schreiber and Timm.

SULLIVAN: Carlson, Converse, D'Amante, Flint, Irwin, Paul Johnson, Susan Lawrence and Townsend.

# NAYS 193

BELKNAP: Bastraw, Birch, Dexter, French, Hardy, Robert Hawkins, Holbrook, Matthew Locke, Pearson, Randall and David Whittemore.

CARROLL: Ashnault, Chase, Dickinson, Heath, McAvoy, Holmes, Hraba, Kenneth MacDonald, Powers and Saunders.

CHESHIRE: Eugene Clark, Crane, Grodin, Elmer Johnson, Lane, Morse, Parker, Perry and Scranton.

COOS: Harold Burns, Chappell, Coulombe, Guay, Langley, George Lemire, Valliere and York.

GRAFTON: Blair, Driscoll, Duggan, Logan, McAvoy, Rounds, Stevens, Stewart, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Debora Ahern, Ahrens, Arnold, Arris, Baker, Boutwell, John Burns, Leslie Burns, Carragher, Charbonneau, Craig, Cronin, Duffett, Dupont, Duprey, Clyde Eaton, Fields, Galway, Grasso, Grip, George Hawkins, Daniel Healy, Humphrey, Kashulines, Robert Kelley, Knight, Labombarde, John Lawrence, Leclerc, Lefebvre, Levesque, Martineau, Howard Mason, Nelson, Nickerson, Nute, Paradis, Marjorie Peters, Reidy, Ellen-Ann Robinson, Roy, Russell, Sallada, Silva, B. P. Smith, Steiner, Mary Sullivan, Sylvia, Tamposi, Turgeon, Vachon, Van Loan, Ware, Geraldine Watson, Harold Watson, Wells, Emma Wheeler, Kenneth Wheeler, Robert Wheeler, Eleanor Whittemore and M. Arnold Wight.

MERRIMACK: Allgeyer, Anderson, Bibbo, Laurent Boucher, Mary Holmes, Kidder, LaBranche, Lewis, Arthur Locke, Maltais, Mercier, Nichols, Doris Riley, Shepard, Gerald R. Smith, Stark and Stio.

ROCKINGHAM: Ames, Bangs, Benton, Blaisdell, William Boucher, Burdick, Butler, Campbell, Danderson, Drake, Ellyson, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Greene, Gregorio, Kane, Katsakiores, Glenden Kelley, Roger King, LoFranco, Longworth, Lovejoy, Mace, Malcolm, Robert Mason, William Moore, Nagel, Newell, Parr, Romoli, Scamman, Schmidtchen, Schwamer, Sherburne, Skinner, Stork, Sytek, Tavitian, Tufts, Vartanian, Walker, Warburton, Webster and Woodward.

STRAFFORD: Appleby, Bouchard, Chamberlin, Couture, Dingle, Albert Dionne, Fielding, Hussey, Robert Jones, Kincaid, Lussier, Paul Meader, Gerald L. Smith and Franklin Torr.

SULLIVAN: Brodeur, Gray, Ingram, Palmer and Reney, and the motion lost.

Rep. Abrams notified the Clerk that she wished to be recorded in favor of the Minority report.

Question being on the report of the Majority, Refer for Interim Study.

Adopted.

HB 202, establishing the ward lines for the city of Manchester and amending the Manchester city charter. Ought to Pass.

Last session, HB 2 was enacted into law which provided new ward lines based on the federal census. The United States Supreme Court rulings require representative districts to be evenly divided as much as possible in order to facilitate the one man - one vote doctrine. Within the City of Manchester two separate concepts emerged on how to redistrict. One became a plan acceptable to the Aldermanic Board, was placed on the ballot and the referendum was defeated by a 2 to 1 vote. This bill provides, once again, an opportunity by city-wide referendum vote to enact new (12) ward lines that clearly indicate all 40 representatives to the General Court have an equal, fair chance to serve the people. Vote 6-2. Rep. James J. White for Statutory Revision.

Rep. Flanagan offered an amendment.

# Amendment

Amend the bill by striking out section 6 and inserting in place thereof the following:

6 Referendum. Sections 1 through 5 of this act shall not take effect unless adopted by majority vote at the city election to be held in the city of Manchester in November 1983, as hereinafter provided. The city clerk then in office shall cause to be placed on the ballot the following question: "Do you approve of an act entitled 'An Act establishing the ward lines for the city of Manchester and amending the Manchester city charter' passed at the 1983 session of the general court which would redivide the city into 12 wards of substantially equal population?" Said question shall be printed in the form prescribed by RSA 656:13. If a majority of those voting on the question vote in the affirmative, this act shall be declared to have been adopted effective January 1, 1984. The city clerk shall, within 10 days after said election, certify the result of the vote on the above question to the secretary of state.

Rep. Flanagan explained the amendment.

Rep. Arnold spoke in favor of the amendment.

Amendment adopted.

Ordered to third reading.

HB 219-FN, establishing the ward lines for the city of Portsmouth and amending the Portsmouth city charter. Ought to Pass.

This bill has been agreed upon by the City Committee, the Democratic Committee and the Republican Committee. The Committee on Statutory Revision agreed unanimously. Vote 9-0. Rep. Natalie S. Flanagan for Statutory Revision.

Rep. Flanagan offered an amendment.

## Amendment

Amend the bill by striking out section 7 and inserting in place thereof the following:

7 Referendum. Sections 1, 2, 3, 4, 5 and 6 of this act shall not take effect unless adopted by majority vote at the city election to be held in the city of Portsmouth in November, 1983, as hereinafter provided. The city clerk then in office shall cause to be placed on the ballot the following question: "Do you approve the provisions of an act entitled 'An Act establishing the ward lines for the city of Portsmouth and amending the Portsmouth city charter' passed at the 1983 session of the General Court, which would redivide the city into 5 wards?" Said question shall be printed in the form prescribed by RSA 656:13. If the majority of those voting on the question vote in the affirmative, this act shall be declared to have been adopted effective January 1, 1984. The city clerk shall, within 10 days after said election, certify that result of the vote on the above question to the secretary of state.

Amend the bill by striking out section 9 and inserting in place thereof the following:

9 Effective Date.

I. Sections 1, 2, 3, 4, 5 and 6 of this act shall take effect as provided in section 7.

II. Sections 7 and 8 of this act shall take effect upon its passage.

Rep. Flanagan explained the amendment.

Rep. Krasker spoke in favor of the amendment.

Amendment adopted.

Ordered to third reading.

SENATE MESSAGES  
CONCURRENCE

HB 11, making an appropriation for capital improvements.

HB 112-FN, relative to sunset review of the insurance department - administration.

HB 165-FN, extending workmen's compensation coverage to certain household employees.

HB 402, relative to bonding reauthorization.

HB 64, relative to the training and certification of police officers.

## REQUESTS CONCURRENCE

SB 6, to amend the child pornography laws.

SB 23, relative to investments under the public employees deferred compensation plan.

## THREE LEGISLATIVE DAY EXTENSIONS GRANTED

HB 204, relative to licensing of health facilities.

HB 185, changing references in the law relating to solid waste and hazardous waste from the bureau of solid waste management to the division of public health services.

Rep. Rounds offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 400, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL  
First, second reading and referral

HB 400, making appropriations for capital improvements. (Bibbo of Merrimack Dist. 3; LaMott of Grafton Dist. 5; Walter of Grafton Dist. 13; Chamberlin of Strafford Dist. 4; Stabile of Dist. 12 - To Public Works)

Rep. Scamman, chairman of the Committee on Ways and Means, explained the monthly report of estimated revenues. (Rule 32(w))

REPORT OF UNRESTRICTED REVENUES  
REQUIRED BY HOUSE RULE 32(W)  
BY THE HOUSE WAYS AND MEANS COMMITTEE

General Fund:	FY 1983			
	Chapter 42		Ways & Means	Difference
	FY 1982 Actual Y/E 6/30/82	Laws of '81/'82 Legislative Estimate	Estimate	Increase (Decrease)
Beer	\$ 6,063,669	\$ 6,975,000	\$ 6,975,000	\$ -0-
Board and Care	17,308,728	19,300,000	20,244,285	944,285
Business Profits Tax	79,737,252	82,300,000	78,300,000	(4,000,000)
Estate and Legacy				
Taxes	9,321,227	10,000,000	10,000,000	-0-
Insurance	16,529,912	18,575,000	18,575,000	-0-
Intangible Tax	15,070,913	16,750,000	16,750,000	-0-
Liquor	42,386,108	45,200,000	42,500,000	(2,700,000)
Meals and Rooms				
Taxes	38,538,995	46,270,000	44,000,000	(2,270,000)
Parks Income	3,230,250	3,750,000	2,750,000	(1,000,000)
Dog Racing	7,259,519	7,100,000	7,358,750	258,750
Harness Racing	117,477	400,000	119,000	( 281,000)

Real Estate				
Transfer Tax	5,164,165	6,400,000	5,500,000	( 900,000)
Telephone	7,244,130	8,600,000	5,300,000	(3,300,000)
Tobacco	26,211,973	26,500,000	26,500,000	-0-
Utilities	670,971	1,400,000	550,000	( 850,000)
Other	19,903,895	26,875,000	21,408,670	(5,466,330)
Sale of Realty	-	6,200,000	4,200,000	(2,000,000)
Sweepstakes Revenue	610,234	3,850,000	3,850,000	-0-
Savings Bank Tax	5,235,082	5,200,000	5,200,000	-0-
Total General Fund	<u>\$300,604,500</u>	<u>\$341,645,000</u>	<u>\$320,080,705</u>	<u>(21,564,295)</u>

## Highway Fund:

Gasoline Road Toll	\$ 58,957,961	\$ 56,825,000	\$ 57,904,792	\$ 1,079,792
Motor Vehicle Fees	30,602,163	30,800,000	30,886,024	86,024
Miscellaneous	1,901,238	2,450,000	1,841,000	(609,000)
Total Highway Fund	<u>\$ 91,461,362</u>	<u>\$ 90,075,000</u>	<u>\$ 90,631,816</u>	<u>\$ 556,816</u>

## Fish and Game Fund:

Fish and Game Licenses	\$ 2,918,548	\$ 3,075,000	\$ 3,215,000	\$ 140,000
Fines and Penalties	26,049	25,000	22,000	(3,000)
Miscellaneous Sales	37,542	65,000	46,100	(18,900)
Indirect Costs	199,967	100,000	200,000	100,000
Total Fish and Game Fund	<u>\$ 3,182,106</u>	<u>\$ 3,265,000</u>	<u>\$ 3,483,100</u>	<u>\$ 218,100</u>

Rep. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourn today it be to meet Thursday, March 17 at 1:00 p.m.

Adopted.

## LATE SESSION

## Third reading and final passage

HB 37-FN, limiting the area of operation for the housing finance agency.

HB 213, eliminating the requirement that payments be made on a quarterly basis for community mental health programs.

HB 92-FN, increasing the amount of annual wages paid to an individual for which contributions must be made for unemployment compensation.

HB 147-FN, relative to sunset review of the labor department - workmen's compensation.

HB 219-FN, establishing the ward lines for the city of Portsmouth and amending the Portsmouth city charter.

HB 1-FN, relative to executive branch reorganization.

HB 48, permitting the department of fish and game to expend funds received under the Pittman-Robertson Act on endangered species.

HB 202, establishing the ward lines for the city of Manchester and amending the Manchester city charter.

Reps. Daniel Healy, Ahlgren, Brack and John Wallace offered the following.

## HOUSE RESOLUTION NO. 27

memorializing former Representative  
Walter F. McDermott.

WHEREAS, we have learned with sorrow of the death of former Representative Walter F. McDermott, and

WHEREAS, Walter F. McDermott served the people of Hillsborough County, District 30, with distinction as a five-term member of the General Court from 1963 to 1971, and

WHEREAS, a seasoned and articulate legislator, Walter F. McDermott proved to be a valuable member of the Committee on Transportation, and

WHEREAS, for many years Walter F. McDermott served the people of his ward, city and state with honor and devoted service, and

WHEREAS, Walter F. McDermott's record of public service to the citizens of this state is exemplary and most certainly commands public recognition, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that expressions of sympathy be extended to the family of Walter F. McDermott, and be it further

RESOLVED, that a suitable copy of this resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

Rep. Rounds moved that the House stand in recess for the purpose of Introduction of Bills and Enrolling Reports only.

Adopted.

The House recessed at 5:00 p.m.

## RECESS

(Speaker Pro Tem in the Chair)

Rep. Gage offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bill numbered 401, shall be by this resolution read a first and second time by the therein listed title, sent for printing,



and referred to the therein designated committee.

Adopted.

#### INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 401, allowing persons voting in primaries to change party affiliation by mail. (Lewis of Merrimack Dist. 5 - To Statutory Revision)

#### ENROLLED BILLS REPORT

HB 402, relative to bonding reauthorization.

HB 11, making an appropriation for capital improvements.

Rep. Marjorie Y. Peters  
Sen. John P. H. Chandler, Jr.  
For The Committee.

#### RECESS

(Speaker Pro Tem in the Chair)

Rep. Silva offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 403 through 414, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 403-FN, relative to construction of a highway by-pass around the town of Conway. (Dickinson of Carroll Dist. 2; Ashnault of Carroll Dist. 2; Oleson of Coos Dist. 7 - To Public Works)

HB 404, relative to the serving of liquor and beverages in view of a public way. (Dickinson of Carroll Dist. 2 - To Regulated Revenues)

HB 405, relative to the form of ballots for state general elections. (Ahrams of Hillsborough Dist. 6 - To Statutory Revision)

HB 406-FN, relative to the age limits for special education. (Bolduc of Belknap Dist. 10; Joos of Strafford Dist. 1 - To Education)

HB 407-FN, to update certain sections of the motor vehicle road toll laws. (York of Coos Dist. 8 - To Transportation)

HB 408-FN, relative to hydro funds. Bardsley of Merrimack Dist. 1 - To Resources, Recreation and Development)

HB 409-FN, directing the New Hampshire industrial development authority to sell the industrial park in Derry and Londonderry. (Bangs of Rockingham Dist. 7 - To Commerce, Housing and Consumer Affairs)

HB 410-FN, creating a commission to study alternative procedures for the resolution of marital questions. (Jacobson of Merrimack Dist. 2 - To Judiciary)

HB 411, relative to the public employee labor relations board. (Skinner of Rockingham Dist. 21 - To Labor, Human Resources and Rehabilitation)

HB 412-FN, establishing the position of assistant to the commissioner of the department of resources and economic development. (Dickinson of Carroll Dist. 2 - To Executive Departments and Administration)

HB 413, reclassifying certain highways in the town of Conway. (Ashnault of Carroll Dist. 2 - To Public Works)

HB 414, to remove prohibitions against companion animals in housing for the elderly. (Dickinson of Carroll Dist. 2; Townsend of Sullivan Dist. 1; Dexter of Belknap Dist. 8 - To Municipal and County Government)

#### RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn.  
Adopted.

# HOUSE JOURNAL 12

*Thursday, 17Mar83*

The House assembled at 1:00 p.m., and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

All praise to St. Patrick who brought to our mountains  
the gift of God's faith the sweet light of His love.  
All praise to the shepherd who showed us the fountains  
That rise in the heart of the Savior above.

For hundreds of years, in smiles and in tears, our Saint has been with us, Our shield and our stay --  
All else may have gone, St. Patrick alone, he has

Been to us light when earth's lights were all set.  
For the glories of faith they can never decay  
And the best of our glory is bright with us yet  
In the faith and the feast of St. Patrick's Day!

The above was submitted by Rep. James J. White.

Lord God Almighty, we thank You for the Saints of every age who have brought us closer to You. Now let us be channels of Your love and concern for all our citizens. Amen.

Rep. Glenden Kelley led the Pledge of Allegiance.

The Speaker introduced members of the Keene State College Guitar Orchestra who gave a brief concert.

## LEAVES OF ABSENCE

Reps. Stimmell, Zajdel, Connors, Waldron, Blake, Zimmerman, James Sullivan, Lamy, Francis Robinson, Day, Couture, Craig and Cutting, the day, illness.

Reps. Grodin, Degnan, Arnold, Raymond Wood, Nevins, Lucille Wood, Galloway, Cate, William Dion, Lynde, William Roberts, Hennessey, Gelinas, Stevens, Hendrick, Davis, Kane, John Burns, Roland Lemire and Stylianos, the day, important business.

## INTRODUCTION OF GUESTS

Dr. Seelye, Dr. Gustafson, Mrs. George Doucette, Mrs. James Whittemore and Mrs. Agnes Mauson, guests of Rep. Whittemore; Robert W. Kragman, guest of Rep. Bass; Mrs. Nancy J. Bell, guest of the House Chaplain, Rev. David W. Bell; Jennifer and William Gregorio, Jr., daughter and son of Rep. Gregorio; Mrs. Doris Paradis and Joseph Paradis, guests of Rep. Paradis; Gary and Debra Jones, guests of Rep. Robert Jones; Dorothy Wells, guest of Rep. Wells; Jean Letourneau, guest of Rep. Girouard; Mrs. Betty King and Miss Vickie Lay, guests of Rep. David King; New Hampshire members of the National Association of Insurance Women, Project InVEST students from Manchester Skill Center and Concord High School students, guests of Rep. Harold Burns.

Rep. Rounds offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate bills numbered 6 and 23 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF SENATE BILLS First, second reading & referral

SB 6, to amend the child pornography laws. (Judiciary)

SB 23, relative to investments under the public employees deferred compensation plan. (Commerce, Housing and Consumer Affairs)

Rep. Rounds offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 500, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

## INTRODUCTION OF HOUSE BILL First, second reading and referral

HB 500, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1984, and June 30, 1985. (Kidder of Merrimack Dist. 2 - To Appropriations)

## THREE LEGISLATIVE DAY EXTENSIONS GRANTED

HB 91, relative to the reconstruction of Camp Sargent road and making an appropriation therefor.

HB 45, to increase the penalty for refusal to take the chemical testing to determine alcoholic content of blood.

HB 189, relative to district court financing.

HB 201, relative to the training of dogs.

Rep. Rounds moved that the Consent Calendar with the relevant committee amendments as printed in the day's House Record be adopted.

HB 168, relative to wild turkey permit revenues, was removed at the request of Rep. Shepard.

Adopted.

#### COMMITTEE REPORTS (Consent Calendar)

HB 197-FN, establishing a committee to propose a recodification of the agriculture, horticulture and animal husbandry laws in title XL and other RSA titles and making an appropriation therefor. Ought to Pass with Amendment.

Laws pertaining to the Department of Agriculture are outdated and spread throughout the RSA. This will allow for a recodification and update. Vote 17-0. Rep. Roberta C. Pevear for Environment and Agriculture.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

establishing a committee to propose a recodification of the agriculture, horticulture and animal husbandry laws in title XL and other RSA titles.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Committee Established. The agriculture subcommittee of the house environment and agriculture committee, consisting of 6 members, and the commissioner of the department of agriculture or his designee shall constitute a committee to draft proposed legislation for recodification of the agriculture, horticulture and animal husbandry laws to be submitted to the next regular session of the legislature. All laws relating to agriculture, horticulture and animal husbandry shall be within the committee's jurisdiction wherever they appear in the RSA. The committee shall seek advice, guidance, expertise and recommendations from anyone, as the committee deems necessary. The committee shall have authority to request and shall receive assistance from all state agencies and departments in conducting its study. The office of legislative services shall provide technical and legal services to the committee to the extent possible. The legislative members of the committee shall be entitled to legislative mileage when performing duties in connection with the work of the committee. The committee shall have the proposed recodification in draft form by December 1984 and ready to submit for legislative action by the 1985 session of the general court.

2 Effective Date. This act shall take effect upon its passage.

HB 174, permitting the use of live bait when ice fishing on Lake Sunapee. Ought to Pass with Amendment.

This bill permits ice fishermen to use live bait when fishing on Lake Sunapee. The amendment corrects the RSA. Vote 11-4. Rep. Mary Ann Lewis for Fish and Game.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Live Bait; Ice Fishing on Lake Sunapee. Amend RSA 211 by inserting after section 6-c the following new section:  
211:6-d Ice Fishing on Lake Sunapee. Any person ice fishing on Lake Sunapee may use live bait.

Rep. Paul Johnson notified the Clerk that he wished to be recorded against HB 174.

HB 195, relative to ranch bred fox and trapping education. Inexpedient to Legislate.

The Committee felt that the Commissioners and the Director of the Fish and Game Department already take care of this matter, therefore the bill is unnecessary. Vote 14-1. Rep. Laura Pantelakos for Fish and Game.

HB 208, relative to generic drug substitutions. Ought to Pass with Amendment. This bill redesignates the listing from which pharmacists may select an equivalent drug product when filling a prescription for a drug product prescribed by a trade or brand name. Vote 17-0. Rep. Emma B. Wheeler for Health and Welfare.

#### Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Repeal. RSA 146-B:3, relative to the drug formulary, is hereby repealed.

3 Effective Date. This act shall take effect 60 days after its passage.

HB 259-FN, moving the town of Madbury from the Dover judicial district to the Durham judicial district for the purposes of district court jurisdiction. Ought to Pass.

This bill would transfer the town of Madbury from the jurisdiction of the Dover District Court to that of the Durham District Court. Police, school and other relationships between Madbury and Durham already are closer than those between Madbury and Dover. The Durham Court caseload is much smaller than that of the Dover Court. Vote 16-0. Rep. Francis E. Robinson for Judiciary.

HB 288-FN, establishing a Northumberland judicial district and a Northumberland district court. Inexpedient to Legislate.

The sponsor of this bill requested it be withdrawn. The town officials who originally requested this bill have

reconsidered and do not wish to establish this judicial district. Vote 14-0. Rep. Kendall W. Lane for Judiciary.

HB 264, permitting towns to choose to elect highway agents for up to 3-year terms. Ought to Pass.

Insures qualified participants to seek the position, and gives a sense of security to the elected road agents to invest in updated equipment. This bill is permissive legislation which allows for terms of up to three years for elected or appointed highway agents. Vote 16-0. Rep. Paul A. Golden for Municipal and County Government.

HB 279-FN, relative to the financing of regional planning commissions. Ought to Pass.

There was strong support for this bill from every part of the state at the hearing. This bill provides for matching funds for regional planning commissions from the state to a sum equal to 50% of the total annual assessment of member municipalities and counties. Vote 16-0. Rep. Alf E. Jacobson for Municipal and County Government.

Referred to Appropriations.

HB 227, prohibiting the sale of certain single cans or single bottles of beer by off-sale permittees. Inexpedient to Legislate.

The Committee felt that the Liquor Commission could handle any situation that might arise under the intent of this bill. Vote 14-0. Rep. Robert N. Kelley for Regulated Revenues.

HB 238, relative to the Nashua area aquifer delineation study and making an appropriation therefor. Ought to Pass. The appropriation of \$20,000 the state is being asked to provide, will be used for the third and final year of the study and will be matched by similar contributions from local government as well as private industry. With incident after incident of contamination occurring, it is critical that we identify and protect our ground water resources. Vote 19-0. Reps. Patricia M. Lyons, Roland J. Lefebvre, Raymond N. Migneault for Resources, Recreation and Development.

Referred to Appropriations.

HB 280, relative to the wetlands board hearings on fill and dredge in wetlands. Inexpedient to Legislate.

This bill would place a rigid deadline upon the Wetlands Board which would restrict objective decision-making by the Board. Such restriction is inappropriate because it could work to the disadvantage of applicants for permits. Vote 20-0. Reps. Douglas R. Woodward, Charles H. Dingle for Resources, Recreation and Development.

HB 244-FN, to provide additional funds for the purchase of alcohol breath testing equipment and supplies. Ought to Pass with Amendment.

This bill, as amended, supports the expenditure of \$62,125 from the highway fund for the purchase of alcohol breath testing equipment and supplies as requested by the Department of Safety. The amendment provides an additional \$15,000 for one gas chromatographer for the Public Health Services lab to expedite more timely handling of blood alcohols. Vote 14-0. Rep. Robert L. Whiting for Transportation.

Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Appropriation. The sum of \$62,125 is hereby appropriated for the fiscal year ending June 30, 1983, to the department of safety for the purchase of alcohol breath testing equipment and supplies. The appropriation shall be a charge on the highway fund.

Referred to Appropriations.

#### COMMITTEE REPORTS (Regular Calendar)

HB 96-FN, relative to special plates for former prisoners of war. Ought to Pass with Amendment.

The amendment clarifies the fact that the recipient is still responsible for paying his own city or town auto tax. Vote 19-2. Rep. William F. Kidder for Appropriations.

Amendment

Amend RSA 261:87-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:  
261:87-a Plates for Former Prisoners of War.

I. The director shall design and issue, with approval of the commissioner, special number plates to be used on motor vehicles owned by former prisoners of war. The director shall make such plates and state registration available without charge to persons who were captured and incarcerated for 30 days or more while serving in a qualifying war or armed conflict as defined in RSA 72:28, IV, and who have not received dishonorable discharges. Such persons shall furnish the director satisfactory proof of these circumstances.

II. Notwithstanding the provisions of paragraph I, all persons receiving such special plates shall be required to pay any registration permit fees required to be paid to cities and towns under RSA 261:153 and RSA 261:154.

Amendment adopted.

Ordered to third reading.

HB 180-FN, reinstating the 9 percent pay raise for state employees for the second year of the biennium and making an



appropriation therefor. Majority: Recommended but to be Laid on the Table because not funded. Minority: Ought to Pass.

MAJORITY: The committee feels that this pay raise is justified, but that funds must be found. Vote 18-4. Rep. William F. Kidder for Appropriations.

MINORITY: The vote on the substitute motion, Ought to Pass, was 11-11, with the Chairman breaking the tie to defeat the motion. The minority members feel that the majority report does not fulfill the legislative obligation to state employees through the collective bargaining process. (Reps. Anne Leslie, Peter Ramsey, Michael B. King, Chrysoula Katsiaticas, William R. Matson for the Minority.)

Rep. Spirou moved that the report of the Minority, Ought to Pass, be substituted for the report of the Majority, Recommended but to be laid on the table because not funded, and spoke to his motion.

Reps. Kidder, Townsend and LaMott spoke against the motion.

Reps. Leslie, Matson, Pannell, Ames, Chambers, James J. White, Daniell and Ingram spoke in favor of the motion.

Reps. Scamman and Ward spoke against the motion and yielded to questions.

Rep. Tamposi moved the previous question. Sufficiently seconded. Adopted.

Rep. Krasker requested a roll call. Sufficiently seconded.

Reps. Randall and Harnish abstained from voting under Rule 16.

(Speaker presiding)

YEAS 186 NAYS 163

YEAS 186

BELKNAP: Bolduc, Bowler, Gary Dionne, Golden, Lamprey, Nighswander, David Whittemore and Zeckhausen.

CARROLL: Ashnault, Dickinson, Robert Holmes and Murphy.

CHESHIRE: Barber, Boulter, Eugene Clark, Daniel Eaton, Hickey, Matson, David Meader, Michaelides, Parker, Perkins, Margaret Ramsay, William Riley and William Sullivan.

COOS: Brideau, Coulombe, Guay, Langley, George Lemire, Oleson, Pelletier, Theriault, Valliere and York.

GRAFTON: Blair, Chambers, Copenhaver, Crory, Densmore, Downing, Easton, Girouard, Hutchings, Michael King, Wayne King, Stewart and Weymouth.

HILLSBOROUGH: Abrams, Debora Ahern, Richard Ahern, Ahlgren, Baker, Bergeron, Bolan, Boutwell, Brack, Burkush, Cote, Cronin, Crotty, Donovan, Dreniak, Dupont, Durant, Fields, Ford, Gagnon, Galway, Harrington, Daniel Healy, Katsiaticas, Keefe, Evelyn King, Leclerc, Lefebvre, David Lemire, Lyons, McGlynn, Morrisette, Nelson, Nickerson, O'Rourke, Parmenter, Pressly, Quinn, Raiche, Peter Ramsey, Reidy, Resch, Robie, Roy, Soucy, Spirou, Mary Sullivan,

Turgeon, Vachon, Wagner, John Wallace, Roger Wallace, Robert Wheeler, James J. White and Winn.

MERRIMACK: Anderson, Bardsley, Bowes, Chynoweth, Samuel Clark, Daniell, Dean, Gross, Jacobson, Kinhan, Maltais, McDonnell, Mercier, Pannell, Parrish, Louise Roberts, Walter Robinson, Savaria, Gerald R. Smith, Lawrence Sullivan, Trombly, Underwood and Wallner.

ROCKINGHAM: Ames, Belanger, Beliveau, Blanchard, Blanchette, Burdick, Carpenito, Case, Cotton, Cressy, John Flanders, Hollingworth, John Hynes, Keenan, Glenden Kelley, Kozacka, Krasker, Leslie, LoFranco, Joseph MacDonald, McLane, Nagel, Newman, Pantelacos, Pevear, Rosencrantz, Sochalski, Splaine, Stork and Woodward.

STRAFFORD: Banks, Belhumeur, Bernard, Blouin, Chagnon, Chisholm, Demers, Dingle, Albert Dionne, Donnelly, Fielding, Flynn, Grassie, Robert Jones, Joos, Kincaid, Lussier, Musler, Arnold Peters, Sackett, Schreiber, Timm and Ralph Torr.

SULLIVAN: Brodeur, Carlson, Converse, D'Amante, Ingram, Irwin and Susan Lawrence.

NAYS 163

BELKNAP: Bastraw, Birch, Dexter, French, Hardy, Robert Hawkins, Holbrook, Matthew Locke, Pearson and Sanders.

CARROLL: Chase, Heath, Hraba, Kenneth MacDonald, Powers and Saunders.

CHESHIRE: Crane, Gordon, Elmer Johnson, Lane, Miller, Morse, Perry, and Scranton.

COOS: Harold Burns, Chappell, Chardon, Horton and David King.

GRAFTON: Christy, Driscoll, Duggan, LaMott, Logan, Mann, McAvoy, Rounds, Taffe, Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Arris, Bass, Leslie Burns, Carragher, Charbonneau, Duffett, Duprey, Clyde Eaton, Joseph Eaton, Grasso, Grip, George Hawkins, Head, Humphrey, Jean, Kashulines, Robert Kelley, Knight, Labomarde, John Lawrence, Levesque, Howard Mason, Migneault, Nute, Paradis, Marjorie Peters, Ellen-Ann Robinson, Russell, Sallada, Silva, B. P. Smith, Leonard Smith, Steiner, Sylvia, Talbot, Tamposi, Van Loan, Ware, Geraldine Watson, Harold Watson, Wells, Emma Wheeler, Kenneth Wheeler, Eleanor Whittemore and M. Arnold Wight.

MERRIMACK: Allgeyer, Bibbo, Laurent Boucher, Mary Holmes, Kidder, LaBranche, Lewis, Arthur Locke, Nichols, Phelps, Doris Riley, Rogers, Shepard, Stark, Scio and James Whittemore.

ROCKINGHAM: Bangs, Benton, Blaisdell, William Boucher, Butler, Campbell, Danderson, Drake, Ellyson, Flanagan, Harry Flanders, Beverly Gage, Thomas Gage, Greene, Gregorio, Joslyn, Katsakiores, Roger King,

Longworth, Lovejoy, Mace, Malcolm, Robert Mason, William Moore, Newell, Palumbo, Parr, Popov, Quimby, Romoli, Scamman, Schmidtchen, Schwane, Sherburne, Simon, Skinner, Sloan, Sytek, Tavittian, Tufts, Vartanian, Vecchione, Walker, Warburton and Webster.

STRAFFORD: Appleby, Bouchard, Chamberlin, Hussey, Paul Meader, Pelley, Gerald L. Smith, Franklin Torr and Whiting.

SULLIVAN: Flint, Gray, Paul Johnson, Palmer, Reney and Townsend, and the motion was adopted.

Rep. Sylvia notified the Clerk that he inadvertently voted nay and meant to vote yea.

Question being on the substitute motion, Ought to Pass.

Ordered to third reading.

Rep. Walter Healy notified the Clerk that he wished to be recorded in favor of the Minority Report.

Rep. Scamman notified the Clerk that he wished to be recorded against final passage of HB 180.

HB 231-FN, appropriating money to the department of agriculture. Inexpedient to Legislate.

This bill was introduced in order to re-appropriate funds which were originally appropriated by Chapter 42 of the 1981 Special Session and lapsed by the Comptroller before the funds could be expended. Attempts by the previous commissioner over the past several months to get these funds reinstated had failed. As a last resort this bill was introduced at the request of the department on February 17, 1983. The Department of Administration and Control subsequently reinstated the funds to the Department of Agriculture on February 18, 1983. The Department of Agriculture therefore has informed the committee that this bill is no longer necessary and wishes it to be withdrawn. Vote 22-0. Rep. William F. Kidder for Appropriations.

Resolution adopted.

HB 242-FN, making a supplemental appropriation to the office of the attorney general to settle the following cases:

Hudson v. DuBois, et al.; Montague v. Youth Development Center; Shepard v. Armstrong; and Faucher, et al. v. Rothenberg, et al.  
Ought to Pass.

The Committee feels the explanation of the Attorney General with regard to settlement of these cases was sufficient justification for the Committee's recommendation Ought to Pass. Vote 22-0. Rep. William F. Kidder for Appropriations.

Ordered to third reading.

CACR 6, relating to compensation of the legislature. Providing that compensation to all members of the general court for both regular and special sessions be increased. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: The majority of the Committee feels the present pay is a token for an essentially donated service to the State and potential candidates recognize the volunteer nature of the office when they decide to run. The proposed increase is not large enough to fully compensate members for their services or guarantee that large numbers of new people would be encouraged to run. Vote 7-3. Rep. David J. Bouchard for the Majority of Constitutional Revision.

MINORITY: Many capable members of the House cannot return to serve another term without pay. The minority believes representatives should be typical citizens. Membership should not be limited to those able to serve with practically no pay. Rep. William A. Fielding for the Minority of Constitutional Revision.

Rep. Jacobson moved that the report of the Minority, Ought to Pass, be substituted for the report of the Majority, Inexpedient to Legislate, and spoke to his motion.

Reps. Wells, Bouchard, Duggan and Chase spoke against the motion.

Rep. Newman spoke in favor of the motion and yielded to questions.

Reps. Downing, David Meader and Joseph MacDonald spoke in favor of the motion.

Rep. Chardon moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)  
YEAS 133 NAYS 212  
YEAS 133

BELKNAP: Birch, Bolduc, Gary Dionne, Nighswander and Sanders.

CARROLL: Robert Holmes and Hraba.

CHESHIRE: Barber, Boulter, Eugene Clark, Daniel Eaton, Hickey, Matson, David Meader, Michaelides, Miller, Parker, Perry, Margaret Ramsay, William Riley and William Sullivan.

COOS: Brideau, Harold Burns, Chappell, Coulombe, Pelletier, Valliere and York.

GRAFTON: Blair, Chambers, Copenhagen, Crory, Downing, Easton, Girouard, Hutchings, Michael King and Wayne King.

HILLSBOROUGH: Abrams, Debora Ahern, Richard Ahern, Ahlgren, Baker, Bergeron, Bolan, Burkush, Cote, Donovan, Dupont, Durant, Joseph Eaton, Harrington, Daniel Healy, Walter Healy, Jean, Kaklamanos, Katsiaticas, Evelyn King, John Lawrence, Leclerc, David Lemire, Levesque, McGlynn, Migneault, Nelson, Parmenter, Pressly, Raiche, Resch, Robie, Ellen-Ann Robinson, Roy, Silva, Leonard Smith, Wagner, Roger Wallace, James J. White and Winn.

MERRIMACK: Anderson, Chynoweth, Samuel Clark, Jacobson, LaBranche, Pannell, Parrish, Walter Robinson, Savaria, Gerald R. Smith, Lawrence Sullivan, Underwood and Wallner.

ROCKINGHAM: Belanger, Blaisdell, Blanchette, Carpenito, Cotton, Cressy, Beverly Gage, Thomas Gage, Keenan, Krasker, Leslie, LoFranco, Joseph MacDonald, McLane, Newman, Pantelakos, Pevear, Rosencrantz, Simon, Sloan, Splaine and Tufts.

STRAFFORD: Appleby, Banks, Belhumeur, Bernard, Chamberlin, Demers, Donnelly, Fielding, Grassie, Arnold Peters and Ralph Torr.

SULLIVAN: Brodeur, Converse, D'Amante, Flint, Ingram, Irwin, Paul Johnson, Susan Lawrence and Reney.

#### NAYS 212

BELKNAP: Bastraw, Bowler, Dexter, French, Golden, Hardy, Robert Hawkins, Holbrook, Lamprey, Matthew Locke, Pearson, Randall, David Whittemore and Zeckhausen.

CARROLL: Ashnault, Chase, Dickinson, Heath, Kenneth MacDonald, Murphy, Powers and Saunders.

CHESHIRE: Crane, Gordon, Elmer Johnson, Lane, Morse, Perkins and Scranton.

COOS: Chardon, Guay, Horton, David King, Langley, George Lemire, Oleson, and Theriault.

GRAFTON: Christy, Densmore, Driscoll, Duggan, Harnish, Logan, Mann, McAvoy, Rounds, Stewart, Taffe, Walter, Ward, Weymouth, and Whitcomb.

HILLSBOROUGH: Ahrens, Arris, Bass, Butwell, Leslie Burns, Carragher, Charbonneau, Cronin, Crotty, Drewniak, Duffett, Duprey, Clyde Eaton, Fields, Ford, Gagnon, Galway, Grasso, Grip, George Hawkins, Humphrey, Kashulines, Keefe, Robert Kelly, Knight, Labombarde, Lefebvre, Lyons, Howard Mason, Morrisette, Nickerson, Nute, O'Rourke, Paradis, Marjorie Peters, Quinn, Peter Ramsey, Reidy, Russell, Sallada, B. P. Smith, Soucy, Steiner, Mary Sullivan, Sylvia, Talbot, Tamposi, Turgeon, Vachon, Van Loan, Ware, Geraldine Watson, Harold Watson, Wells, Emma Wheeler, Kenneth Wheeler, Robert Wheeler and Eleanor Whittemore.

MERRIMACK: Allgeyer, Bardsley, Bibbo, Laurent Boucher, Bowes, Daniell, Dean, Gross, Mary Holmes, Kidder, Kinhan, Lewis, Arthur Locke, Maltais, McDonnell, Mercier, Nichols, Phelps, Doris Riley, Louise Roberts, Rogers, Shepard, Stark, Stio, Trombly and James Whittemore.

ROCKINGHAM: Ames, Bangs, Beliveau, Benton, Blanchard, William Boucher, Burdick, Butler, Campbell, Case, Danderson, Drake, Ellyson, Flanagan, Harry Flanders, John Flanders, Greene, Gregorio, Hollingworth, John Hynes, Joslyn, Katsakiores, Glenden Kelley, Roger King, Kozacka, Longworth, Lovejoy, Mace, Malcolm, Robert Mason, William Moore, Nagel, Newell, Palumbo, Parr, Popov, Quimby, Romoli, Schmidtchen, Schwaner, Sherburne,

Skinner, Sochalski, Stork, Sytek, Tavitian, Vartanian, Vecchione, Walker, Warburton, Webster and Woodward.

STRAFFORD: Blouin, Bouchard, Chagnon, Chisholm, Dingle, Albert Dionne, Flynn, Hussey, Robert Jones, Joos, Kincaid, Lussier, Paul Meader, Musler, Pelley, Sackett, Schreiber, Gerald L. Smith, Timm, Franklin Torr and Whiting.

SULLIVAN: Carlson, Gray and Palmer, and the motion failed lacking the necessary three-fifths of the entire membership.

Rep. Head notified the Clerk that she wished to be recorded against the substitute motion, Ought to Pass.

Question being on the Majority Report, Inexpedient to Legislate.

Report adopted.

HB 89-FN, relative to resident taxes and the wildlife management collection program. Ought to Pass.

The Committee felt we should not be asking for voluntary contributions to a state agency on an official tax form, nor should tax collectors be obligated to collect contributions for the state. There is no way the tax collector could be made accountable for the contributions collected. Vote 10-4. Rep. Mary Ann Lewis for Fish and Game.

Ordered to third reading.

HB 196, relative to damage to domestic animals. Ought to Pass.

This bill would eliminate a trapper's liability if a domestic animal is illegally running at large and is injured by a trap. Vote 12-3. Rep. Mary Ann Lewis for Fish and Game.

Rep. Harold Watson moved that that words, Inexpedient to Legislate, be substituted for the Committee report, Ought to Pass, spoke to his motion and yielded to questions.

Rep. Gerald R. Smith spoke against the motion and yielded to questions.

Motion lost.

Ordered to third reading.

HB 230, making participation in the wildlife management collection program mandatory. Inexpedient to Legislate.

The Committee felt that participation in the wildlife management collection program should not be under the jurisdiction of the local tax collector, nor should contributions be solicited on an official tax form. Vote 10-4. Rep. Mary Ann Lewis for Fish and Game.

Rep. Heath moved that the the words, Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate, and spoke to his motion.

Reps. Lewis and Hawkins spoke against the motion and yielded to questions.

Rep. Pantelakos spoke in favor of the motion.

Rep. Russell moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)  
YEAS 184 NAYS 149  
YEAS 184

BELKNAP: Birch, Bowler, Dexter, Gary Dionne, Holbrook, Lamprey, Nighswander, Sanders and Zeckhausen.

CARROLL: Ashnault, Chase, Dickinson, Heath, Robert Holmes, Hraba, Powers and Saunders.

CHESHIRE: Eugene Clark, Hickey, Elmer Johnson, Lane, David Meader, Michaelides, Miller, Morse, Margaret Ramsay, William Riley and William Sullivan.

COOS: Brideau, Chardon, Horton, Langley, Oleson, Pelletier, Theriault and York.

GRAFTON: Blair, Chambers, Copenhagen, Crory, Densmore, Driscoll, Easton, Girouard, Harnish, Hutchings, Michael King, Wayne King, Logan, McAvoy and Taffe.

HILLSBOROUGH: Ahlgren, Ahrens, Arris, Bass, Bergeron, Burkush, Leslie Burns, Charbonneau, Cote, Cronin, Drewniak, Durant, Fields, Ford, Grip, Harrington, Walter Healy, Katsiaficas, Robert Kelley, Evelyn King, Knight, Labombarde, David Lemire, Levesque, Lyons, Morrisette, O'Rourke, Paradis, Marjorie Peters, Pressly, Quinn, Raiche, Reidy, Ellen-Ann Robinson, Russell, Sallada, Silva, Leonard Smith, Spirou, Steiner, Sylvia, Talbot, John Wallace, Roger Wallace, Ware, Geraldine Watson, Robert Wheeler, James J. White, M. Arnold Wight and Winn.

MERRIMACK: Allgeyer, Bardsley, Daniell, Gross, Mary Holmes, Jacobson, Lewis, Arthur Locke, Maltais, Nichols, Parrish, Doris Riley, Shepard, Gerald R. Smith, Stark, Lawrence Sullivan, Trombly, Underwood, Wallner and James Whittemore.

ROCKINGHAM: Belanger, Blaisdell, Blanchard, Burdick, Butler, Campbell, Case, Cotton, Cressy, Harry Flanders, John Flanders, Thomas Gage, Gregorio, Hollingworth, John Hynes, Joslyn, Katsakiores, Keenan, Kozacka, Krasker, Leslie, Joseph MacDonald, Robert Mason, McLane, Newell, Newman, Pantelakos, Pevear, Quimby, Rosencrantz, Scamman, Sloan, Splaine, Sytek, Walker, Warburton and Woodward.

STRAFFORD: Appleby, Banks, Belhumeur, Bernard, Blouin, Chagnon, Chamberlin, Demers, Albert Dionne, Donnelly, Flynn, Grassie, Robert Jones, Kincaid, Arnold Peters, Schreiber, Franklin Torr and Ralph Torr.

SULLIVAN: Carlson, Converse, D'Amante, Ingram, Irwin, Paul Johnson, Susan Lawrence and Townsend.

NAYS 149

BELKNAP: Bastraw, Bolduc, French, Hardy, Matthew Locke, Pearson, Randall and David Whittemore.

CARROLL: Kenneth MacDonald.

CHESHIRE: Boulter, Crane, Daniel Eaton, Gordon, Parker, Perkins, Perry and Scranton.

COOS: Harold Burns, Chappell, Coulombe, Guay, David King, George Lemire and Valliere.

GRAFTON: Christy, Downing, Duggan, LaMott, Mann, Rounds, Stewart, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Abrams, Deborah Ahern, Richard Ahern, Boutwell, Carragher, Crotty, Donovan, Duffett, Dupont, Duprey, Joseph Eaton, Gagnon, Galway, Grasso, George Hawkins, Head, Daniel Healy, Humphrey, Jean, Kaklamanos, Kashulines, Keefe, John Lawrence, Lefebvre, Migneault, Nelson, Nickerson, Nute, Parmenter, Resch, Robie, Roy, B. P. Smith, Mary Sullivan, Turgeon, Vachon, Van Loan, Harold Watson, Wells, Emma Wheeler, Kenneth Wheeler and Eleanor Whittemore.

MERRIMACK: Anderson, Bibbo, Laurent Boucher, Bowes, Chynoweth, Samuel Clark, Dean, Kidder, LaBranche, McDonnell, Mercier, Pannell, Phelps, Louise Roberts, Walter Robinson, Rogers and Savaria.

ROCKINGHAM: Ames, Bangs, Beliveau, Benton, Blanchette, William Boucher, Carpenito, Danderson, Drake, Ellyson, Flanagan, Beverly Gage, Greene, Glenden Kelley, Roger King, LoFranco, Longworth, Lovejoy, Mace, Malcolm, William Moore, Nagel, Palumbo, Parr, Popov, Romoli, Schmidtchen, Schwaner, Sherburne, Simon, Sochalski, Stork, Tavitian, Tufts, Vartanian, Vecchione and Webster.

STRAFFORD: Bouchard, Chisholm, Dingle, Fielding, Hussey, Joos, Lussier, Paul Meader, Musler, Pelley, Sackett, Gerald L. Smith, Timm and Whiting.

SULLIVAN: Brodeur, Gray, Palmer and Reney, and the motion was adopted.

Question being on the substitute motion, Ought to Pass.  
Adopted.  
Ordered to third reading.

HB 74-FN, eliminating the \$50 limit on legislative mileage. Ought to Pass.  
The Subcommittee on Mileage feels that everyone should be paid at the same rate. The majority of the Committee voted to support the Subcommittee. Vote 7-5. Rep. Beverly A. Gage for Legislative Administration.

Ordered to third reading.

HB 33-FN, permitting electronic gaming machines at certain approved facilities and making an appropriation therefor.  
Majority: Inexpedient to Legislate.  
Minority: Ought to Pass with Amendment.

MAJORITY: This bill permits the placement of reel-type gambling machines at licensed sites throughout the state. There was detailed and documented testimony by the Attorney General and



other law enforcement officials opposing this bill and raising serious questions as to our ability to control and regulate this type of activity. Vote 9-8. Rep. Marian R. Harrington for the Majority of Regulated Revenues. MINORITY: The minority feels that this bill has merit and a potential of \$8,000,000. The minority also feels that the House of Representatives should have an opportunity to hear the benefits of this bill. (Reps. John W. Hynes, Carmine F. D'Amante, Richard E. Galway for the Minority of Regulated Revenues.)

Reps. Chase, Ward, Lamprey, Chambers and French spoke against the bill.

Rep. John Hynes spoke against the bill and yielded to questions.

Rep. Ingram spoke in favor of the bill.

Rep. D'Amante moved that HB 33 be laid upon the table.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 72 NAYS 272

YEAS 72

BELKNAP: None.

CARROLL: None.

CHESHIRE: Elmer Johnson.

COOS: Brideau, Chappell, Coulombe, Langley, George Lemire, Theriault, Valliere and York.

GRAFTON: Christy and Duggan.

HILLSBOROUGH: Baker, Burkush, Cronin, Crotty, Durant, Clyde Eaton, Galway, Grasso, George Hawkins, Daniel Healy, Walter Healy, Kashulines, Leclerc, David Lemire, Migneault, Morrisette, Nickerson, Paradis, Reidy, Roy, Silva, Soucy, Mary Sullivan, Turgeon, Roger Wallace, Robert Wheeler and Winn.

MERRIMACK: Laurent Boucher, Arthur Locke, Maltais, McDonnell, Doris Riley and Louise Roberts.

ROCKINGHAM: Belanger, Blaisdell, Cressy, Drake, Gregorio, John Hynes, Katsakiores, Glenden Kelley, LoFranco, Joseph MacDonald, Mace, William Moore, Simon and Sochalski.

STRAFFORD: Belhumeur, Blouin, Albert Dionne, Flynn, Grassie, Hussey, Kincaid and Ralph Torr.

SULLIVAN: Brodeur, Converse, D'Amante, Flint, Ingram and Susan Lawrence.

NAYS 272

BELKNAP: Bastraw, Birch, Bolduc, Bowler, Dexter, Gary Dionne, French, Hardy, Robert Hawkins, Holbrook, Lamprey, Matthew Locke, Nighswander, Pearson, Randall, Sanders, David Whittemore and Zeckhausen.

CARROLL: Ashnault, Chase, Dickinson, Heath, Robert Holmes, Hrabka, Kenneth MacDonald, Murphy, Powers and Saunders.

CHESHIRE: Barber, Boulter, Eugene Clark, Crane, Daniel Eaton, Gordon, Lane, Matson, David Meader, Michaelides, Miller, Morse, Parker, Perkins, Perry, Margaret Ramsay, William Riley, Scranton and William Sullivan.

COOS: Harold Burns, Chardon, Guay, Horton, David King, Oleson and Pelletier.

GRAFTON: Blair, Chambers, Copenhagen, Crory, Densmore, Downing, Driscoll, Easton, Girouard, Harnish, Hutchings, Wayne King, LaMott, Logan, Mann, McAvoy, Rounds, Stewart, Taffe, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Abrams, Debora Ahern, Richard Ahern, Ahlgren, Ahrens, Arris, Bass, Bergeron, Boutwell, Leslie Burns, Carragher, Charbonneau, Cote, Donovan, Drewniak, Duffett, Dupont, Duprey, Joseph Eaton, Fields, Ford, Gagnon, Grip, Harrington, Head, Humphrey, Jean, Kakliamanos, Katsiaficas, Keefe, Robert Kelley, Knight, Labombarde, John Lawrence, Lefebvre, Levesque, Lyons, Howard Mason, McGlynn, Nelson, Nute, O'Rourke, Parmenter, Marjorie Peters, Pressly, Quinn, Raiche, Peter Ramsey, Resch, Robie, Ellen-Ann Robinson, Russell, Sallada, B. P. Smith, Leonard Smith, Steiner, Sylvia, Talbot, Tamposi, Vachon, Van Loan, Wagner, John Wallace, Ware, Geraldine Watson, Harold Watson, Wells, Emma Wheeler, Kenneth Wheeler, James J. White, Eleanor Whittemore and M. Arnold Wight.

MERRIMACK: Allgeyer, Anderson, Bardsley, Bibbo, Bowes, Chynoweth, Samuel Clark, Daniell, Dean, Gross, Mary Holmes, Jacobson, Kidder, Kinhan, LaBranch, Lewis, Mercier, Nichols, Pannell, Parrish, Phelps, Walter Robinson, Rogers, Savaria, Shepard, Gerald R. Smith, Stark, Stio, Lawrence Sullivan, Trombly, Underwood, Wallner and James Whittemore.

ROCKINGHAM: Ames, Bangs, Beliveau, Benton, Blanchard, Blanchette, William Boucher, Burdick, Butler, Campbell, Carpenito, Case, Cotton, Danderson, Ellyson, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Greene, Hollingworth, Keenan, Roger King, Kozacka, Krasker, Leslie, Longworth, Lovejoy, Malcolm, Robert Mason, Nagel, Newell, Newman, Palumbo, Pantelakos, Parr, Pevear, Popov, Quimby, Romoli, Rosencrantz, Scamman, Schmidtchen, Schwaner, Sherburne, Skinner, Sloan, Spaine, Stork, Sytek, Tavitian, Tufts, Vartanian, Vecchione, Walker, Warburton, Webster and Woodward.

STRAFFORD: Appleby, Banks, Bernard, Bouchard, Chagnon, Chamberlin, Chisholm, Demers, Dingle, Donnelly, Fielding, Robert Jones, Joos, Lussier, Paul Meader, Musler, Pelley, Arnold Peters, Sackett, Schreiber, Gerald L. Smith, Timm, Franklin Torr and Whiting.

SULLIVAN: Carlson, Gray, Irwin, Paul Johnson, Palmer, Reney and Townsend and the motion lost.

Rep. Spirou notified the Clerk that he wished to be recorded against the motion.

Rep. D'Amante moved that the words, Ought to Pass, be substituted for the report of the Majority, Inexpedient to Legislate, and spoke to his motion.

Motion lost.

Question being on the Majority Report, Inexpedient to Legislate, Rep. Locke requested a roll call. Sufficiently seconded.

(Speaker Presiding)

YEAS 283 NAYS 66

YEAS 283

BELKNAP: Bastraw, Birch, Bolduc, Bowler, Dexter, Gary Dionne, French, Hardy, Robert Hawkins, Holbrook, Lamprey, Matthew Locke, Nighswander, Pearson, Randall, Sanders, David Whittemore and Zeckhausen.

CARROLL: Ashnault, Chase, Dickinson, Heath, Robert Holmes, Hrabka, Kenneth MacDonald, Murphy, Powers and Saunders.

CHESHIRE: Barber, Boulter, Eugene Clark, Crane, Daniel Eaton, Gordon, Lane, Matson, David Meader, Michaelides, Miller, Morse, Parker, Perkins, Perry, Margaret Ramsay, William Riley, Scranton and William Sullivan.

COOS: Harold Burns, Chardon, Coulombe, Horton, David King, Oleson and Pelletier.

GRAFTON: Blair, Chambers, Copenhaver, Crory, Densmore, Downing, Driscoll, Easton, Girouard, Harnish, Hutchings, Michael King, Wayne King, LaMott, Logan, Mann, Rounds, Stewart, Taffe, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Abrams, Debora Ahern, Ahlgren, Ahrens, Arris, Bass, Bergeron, Boutwell, Leslie Burns, Carragher, Charbonneau, Cote, Donovan, Dreniak, Duffett, Duprey, Joseph Eaton, Fields, Ford, Gagnon, Grip, Harrington, Head, Humphrey, Jean, Kaklamanos, Kashulines, Katsiaticas, Keefe, Robert Kelley, Evelyn King, Knight, Labombarde, John Lawrence, Leclerc, Lefebvre, Lyons, Howard Mason, McGlynn, Nelson, Nute, O'Rourke, Parmenter, Marjorie Peters, Pressly, Quinn, Raiche, Peter Ramsey, Reidy, Resch, Robie, Ellen-Ann Robinson, Russell, Sallada, B. P. Smith, Leonard Smith, Spirou, Steiner, Sylvia, Talbot, Tamposi, Vachon, Van Loan, Wagner, John Wallace, Roger Wallace, Ware, Geraldine Watson, Harold Watson, Wells, Emma Wheeler, Kenneth Wheeler, Robert Wheeler, James J. White, Eleanor Whittemore and M. Arnold Wight.

MERRIMACK: Anderson, Bardsley, Bibbo, Bowes, Chynoweth, Samuel Clark, Daniell, Dean, Gross, Mary Holmes, Jacobson, Kidder, Kinhan, LaBranche, Lewis, Mercier, Nichols, Pannell, Parrish, Phelps, Doris Riley, Walter Robinson, Rogers, Savaria, Shepard, Gerald R. Smith, Stark, Stio, Lawrence Sullivan, Trombly, Underwood, Wallner and Jamea Whittemore.

ROCKINGHAM: Ames, Bangs, Beliveau, Benton, Blanchard, Blanchette, William Boucher, Burdick, Butler, Campbell, Carpenito, Case, Cotton, Danderson, Ellyson, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Greene, Gregorio, Hollingworth, Joslyn, Keenan, Roger King, Kozacka, Krasker, Leslie, Longworth, Lovejoy, Joseph MacDonald, Malcolm, Robert Mason, McLane, William Moore, Nagel, Newell, Newman, Palumbo, Pantelakos, Parr, Pevear, Popov, Quimby, Romoli, Scamman, Schmidtchen, Schwaner, Sherburne, Simon, Skinner, Sloan, Splaine, Stork, Sytek, Tavitian, Tufts, Vartanian, Vecchione, Walker, Warburton, Webster and Woodward.

STRAFFORD: Appleby, Banks, Bernard, Bouchard, Chamberlin, Chisholm, Demers, Dingle, Donnelly, Fielding, Hussey, Robert Jones, Joos, Kincaid, Lussier, Paul Meader, Musler, Pelley, Arnold Peters, Sackett, Schreiber, Gerald L. Smith, Franklin Torr and Whiting.

SULLIVAN: Carlson, Flint, Gray, Irwin, Paul Johnson, Susan Lawrence, Palmer, Reney and Townsend.

NAYS 66

BELKNAP: None.

CARROLL: None.

CHESHIRE: Elmer Johnson.

COOS: Bideau, Chappell, Guay, Langley, George Lemire, Theriault, Valliere and York.

GRAFTON: Christy, Duggan and McAvoy.

HILLSBOROUGH: Richard Ahern, Baker, Burkush, Cronin, Crotty, Dupont, Durant, Clyde Eaton, Galway, Grasso, George Hawkins, Daniel Healy, Walter Healy, David Lemire, Levesque, Migneault, Morrisette, Nickerson, Paradis, Roy, Silva, Soucy, Mary Sullivan, Turgeon and Winn.

MERRIMACK: Allgeyer, Laurent Boucher, Arthur Locke, Maltais, McDonnell and Louise Roberts.

ROCKINGHAM: Belanger, Blaisdell, Cressy, Drake, John Hynes, Katsakiore, Glenden Kelley, LoFranco, Mace, Rosencrantz and Sochalski.

STRAFFORD: Belhumeur, Blouin, Chagnon, Albert Dionne, Flynn, Grassie, Timm and Ralph Torr.

SULLIVAN: Brodeur, Converse, D'Amante and Ingram, and the report, Inexpedient to Legislate was adopted.

Rep. Rounds moved that further consideration of HB 33 be indefinitely postponed.

Adopted.

HB 222-FN, to require the wearing of motorcycle helmets. Inexpedient to Legislate.

Testimony indicated that most motorcyclists wear helmets by choice. This bill singles this group out because of medical costs to the public. Many other activities that people engage in also result in crippling accidents causing great public expense. Vote 13-0. Rep. Roger R. Stork for Transportation.

Rep. Copenhagen moved that the words, Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate, spoke to her motion and yielded to questions.

Reps. Stork, Danderson and Susan Lawrence spoke against the motion.

Rep. Samuel Clark spoke in favor of the motion.

Reps. Parr, Daniel Eaton and Tavitian spoke against the motion and yielded to questions.

Reps. Harnish and Sochalski spoke in favor of the motion and yielded to questions.

The previous question was moved. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

Rep. Gross abstained from voting under Rule 16.

(Speaker presiding)

YEAS 60 NAYS 265

YEAS 60

BLEKNAP: Bowler, Nighswander and Zeckhausen.

CARROLL: None.

CHESHIRE: Barber, David Meader, Margaret Ramsay and William Riley.

COOS: Oleson.

GRAFTON: Blair, Copenhagen, Crory, Densmore, Easton, Girouard, Harnish, Michael King, and Ward.

HILLSBOROUGH: Ahlgren, Ahrens, Bass, Head, Leslie Burns, Duprey, Clyde Eaton, Kaklamanos, Howard Mason, Paradis, Pressly, Leonard Smith, Mary Sullivan, Sylvia, Ware, James J. White, M. Arnold Wight and Winn.

MERRIMACK: Bibbo, Samuel Clark, Dean, Lawrence Sullivan, Underwood, Wallner and James Whittemore.

ROCKINGHAM: Bangs, John Hynes, Kozacka, Longworth, Joseph MacDonald, Malcolm, McLane, Pantelakos, Sochalski, Walker and Warburton.

STRAFFORD: Banks, Grassie, Sackett, Schreiber, Gerald L. Smith and Franklin Torr.

SULLIVAN: Flint.

NAYS 265

BELKNAP: Bastrow, Birch, Bolduc, Dexter, Gary Dionne, French, Hardy, Robert Hawkins, Holbrook, Lamprey, Matthew Locke, Pearson, Randall and David Whittemore.

CARROLL: Ashnault, Chase, Dickinson, Heath, Robert Holmes, Kenneth MacDonald, Murphy, Powers and Saunders.

CHESHIRE: Boulter, Eugene Clark, Crane, Daniel Eaton, Gordon, Elmer Johnson, Lane, Michaelides, Miller, Morse, Parker, Perry, Scranton and William Sussivan.

COOS: Brideau, Harold Burns, Chardon, Coulombe, Guay, Horton, David King, Langley, George Lemire, Pelletier, Theriault, Valliere and York.

GRAFTON: Christy, Downing, Driscoll, Duggan, Hutchings, Wayne King, LaMott, Logan, Mann, Rounds, Stewart, Taffe, Walter, Weymouth and Whitcomb.

HILLSBOROUGH: Abrams, Richard Ahern, Arris, Baker, Bergeron, Boutwell, Burkush, Carragher, Charbonneau, Cote, Cronin, Donovan, Duffett, Dupont, Durant, Joseph Eaton, Fields, Ford, Gagnon, Galway, Grasso, Grip, Harrington, George Hawkins, Daniel Healy, Walter Healy, Humphrey, Jean, Kashulines, Keefe, Robert Kelley, Evelyn King, Knight, Labombarde, John Lawrence, Leclerc, Lefebvre, David Lemire, Levesque, Lyons, Migneault, Morrisette, Nelson, Nickerson, Nute, O'Rourke, Parmenter, Marjorie Peters, Quinn, Raiche, Peter Ramsey, Reidy, Resch, Robie, Ellen-Ann Robinson, Roy, Russell, Sallada, Silva, B. P. Smith, Soucy, Steiner, Talbot, Tamposi, Turgeon, Vachon, Van Loan, Wagner, John Wallace, Roger Wallace, Geraldine Watson, Harold Watson, Wells, Emma Wheeler, Kenneth Wheeler, Robert Wheeler and Eleanor Whittemore.

MERRIMACK: Allgeyer, Anderson, Bardsley, Laurent Boucher, Bowes, Chynoweth, Daniell, Mary Holmes, Jacobson, Kidder, Kinhan, LaBranche, Lewis, Arthur Locke, Maltais, McDonnell, Mercier, Nichols, Pannell, Parrish, Phelps, Louise Roberts, Walter Robinson, Rogers, Savaria, Shepard, Gerald R. Smith, Stark, Stio and Trombly.

ROCKINGHAM: Ames, Belanger, Beliveau, Benton, Blanchette, William Boucher, Burdick, Campbell, Case, Cotton, Cressy, Danderson, Drake, Ellyson, Flanagan, Harry Flanders, John Flanders, Thomas Gage, Greene, Gregorio, Hollingworth, Joslyn, Katsakiores, Keenan, Glenden Kelley, Roger King, Krasker, Leslie, LoFranco, Lovejoy, Mace, Robert Mason, William Moore, Nagel, Newell, Newman, Palumbo, Parr, Pevear, Popov, Quimby, Rosencrantz, Scamman, Schmidtchen, Schwaner, Sherburne, Simon, Skinner, Sloan, Stork, Sytek, Tavitian, Tufts, Vartanian, Vecchione, Webster and Woodward.

STRAFFORD: Appleby, Belhumeur, Bernard, Blouin, Bouchard, Chagnon, Chamberlin, Chisholm, Demers, Albert Dionne, Donnelly, Fielding, Flynn, Hussey, Robert Jones, Joos, Kincaid, Lussier, Paul Meader, Musler, Pelley, Arnold Peters, Timm, Ralph Torr and Whiting.

SULLIVAN: Brodeur, Carlson, Converse, D'Amante, Gray, Ingram, Irwin, Susan Lawrence, Palmer, Reney and Townsend, and the motion lost.

Resolution adopted.

HB 168-FN, relative to wild turkey permit revenues. Ought to Pass with Amendment.

This bill establishes a separate account for wild turkey permit revenues into a non-lapsing fund. The amendment establishes an educational program to the citizens of New Hampshire on the practice of trapping furbearing animals as a conservation and management tool as well as a traditional sport avocation. Vote 13-0. Rep. Mary Ann Lewis for Fish and Game.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to wild turkey permit revenues and revenues for trapping education.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Permit Revenues. Amend RSA 206:35-b (supp) as inserted by 1977, 459:7 by striking out said section and inserting in place thereof the following:

206:35-b Wild Turkey Permit Revenues. The state treasurer shall establish a separate account to which shall be credited all money collected by the fish and game department from issuance of wild turkey permits under RSA 214:9, XI. The money in said account shall be non-lapsing and used only for restoration and management of wild turkeys, and is hereby appropriated for said purposes. Said funds shall be expended for the purposes of this section as determined by the director with the approval of the commission.

2 Trapping Education. Amend RSA 210:25 (supp) as inserted by 1981, 197:1 by striking out said section and inserting in place thereof the following:

210:25 Trapping Education. There is hereby established a program to provide education to the citizens of the state of New Hampshire on the practice of trapping furbearing animals as a recognized conservation and management tool as well as a traditional sport avocation. The program shall be established within the department of fish and game and shall be administered by the executive director, with the approval of the fish and game commission. This program shall be funded from revenues in accordance with RSA 207:17 and 207:18 insofar as those receipts are derived from trapping, and such funds shall be non-lapsing.

3 Effective Date. This bill shall take effect 60 days after its passage.

Rep. Gerald R. Smith explained the Committee report.

Amendment adopted.

Ordered to third reading.

The Sullivan County Delegation offered the following:

#### HOUSE RESOLUTION NO. 28

memorializing State Representative Farrell J. Quinlan of Sunapee.

WHEREAS, we have learned with sorrow of the death of Representative Farrell J. Quinlan, and

WHEREAS, having served two terms in the General Court from 1981 to 1983, Farrell J. Quinlan was an honored member of the House Standing Committee on Labor, Human Resources and Rehabilitation, and

WHEREAS, Farrell J. Quinlan served his community faithfully and with efficiency as a distinguished member of the Sullivan County Delegation, and

WHEREAS, among the many accomplishments credited Farrell J. Quinlan, he served as past director and vice president of the New England Innkeepers Association; past director and president of the New Hampshire Hotel Association; and past president of the Lake Sunapee Board of Trade, and

WHEREAS, it is generally regarded that Farrell J. Quinlan's service and dedication to the people of Sunapee and the State was outstanding, now therefore be it

RESOLVED, by the House of Representatives in Regular Session convened, that our heartfelt expressions of sympathy be extended to his wife, Evelyn, and family, and be it further

RESOLVED, that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

Rep. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourn today it be to meet Tuesday, March 22 at 1:00 p.m..

Adopted.

#### LATE SESSION

Third reading and final passage

HB 197-FN, establishing a committee to propose a recodification of the agriculture, horticulture and animal husbandry laws in title XL and other RSA titles.

HB 168-FN, relative to wild turkey permit revenues and revenues for trapping education.

HB 174, permitting the use of live bait when ice fishing on Lake Sunapee.

HB 208, relative to generic drug substitutions.



HB 259-FN, moving the town of Madbury from the Dover judicial district to the Durham judicial district for the purposes of district court jurisdiction.

HB 264, permitting towns to choose to elect highway agents for up to 3-year terms.

HB 96-FN, relative to special plates for former prisoners of war.

HB 180-FN, reinstating the 9 percent pay raise for state employees for the second year of the biennium and making an appropriation therefor.

HB 242-FN, making a supplemental appropriation to the office of the attorney general to settle the following cases:

Hudson v. DuBois, et al.;

Montague v. Youth Development Center;

Shepard v. Armstrong; and Faucher, et al. v. Rothenberg, et al.

HB 89-FN, relative to resident taxes and the wildlife management collection program.

HB 196, relative to damage to domestic animals.

HB 230, making participation in the wildlife management collection program mandatory.

HB 74-FN, eliminating the \$50 limit on legislative mileage.

#### UNANIMOUS CONSENT

Rep. James J. White addressed the house by unanimous consent.

Rep. Rounds moved that the House stand in recess for the purpose of Introduction of Bills and Enrolling Reports only.

Adopted.

The House recessed at 5:07 p.m.

#### RECESS

(Rep. Parr in the Chair)

Rep. Downing offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 415 through 455, and Concurrent Resolution Proposing Constitutional Amendment numbered 11, and House Concurrent Resolution numbered 8, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF HOUSE BILLS, CACR and HCR First, second reading and referral

HB 415-FN, relative to the New Hampshire port authority. (Boucher of Rockingham Dist. 23; Drake of Rockingham Dist. 18 - To Executive Departments and Administration)

HB 416-FN, instituting an automated information system for the state library. (Skinner of Rockingham Dist. 21; Flanagan of Rockingham Dist. 8; Townsend of Sullivan Dist. 1; Wight of Hillsborough Dist. 9; Boucher of Rockingham Dist. 23; Podles of Dist. 16 - To State Institutions)

HB 417, requiring persons convicted of driving while intoxicated to attend alcohol awareness programs. (Sytek of Rockingham

Dist. 20; Lussier of Strafford Dist. 8; Walter of Grafton Dist. 13; Carswell of Dist. 9; Stable of Dist. 12; Boyer of Dist. 13 - To Judiciary)

HB 418-FN, establishing a diesel fuel tax study commission. (Easton of Grafton Dist. 11 - To Ways and Means)

HB 419, relative to the Laconia airport authority. (Dionne of Belknap Dist. 10; Lamprey of Belknap Dist. 1; Pearson of Belknap Dist. 5 - To Municipal and County Government)

HB 420, relative to the change in the use of structures built for residential or commercial use. (Sanders of Belknap Dist. 6; Bibbo of Merrimack Dist. 3; Carswell of Dist. 9 - To Resources, Recreation and Development)

HB 421, to modify the obligations of step-parents to support step-children. (Gage of Rockingham Dist. 13 - To Judiciary)

HB 422, prohibiting discrimination by landlords against persons with children. (Ingram of Sullivan Dist. 4; Whittemore of Belknap Dist. 12; Brideau of Coos Dist. 8; Fields of Hillsborough Dist. 13; Hardy of Belknap Dist. 4 - To Commerce, Housing and Consumer Affairs)

HB 423, relative to expenditure of funds by libraries. (Skinner of Rockingham Dist. 21; Flanagan of Rockingham Dist. 8 - To Municipal and County Government)

HB 424-FN, relative to classifying mobile homes as real property. (Sloan of Rockingham Dist. 6 - To Commerce, Housing and Consumer Affairs)

HB 425-FN, authorizing advanced registered nurse practitioners to prescribe medications in certain circumstances. (Murphy of Carroll Dist. 2; Clark of Merrimack Dist. 7; Nighswander of Belknap Dist. 5; McLane of Dist. 15 - To Health and Welfare)

HB 426, amending certain checklist practices. (Cressy of Rockingham Dist. 16; Flanagan of Rockingham Dist. 8; Bartlett of Dist. 19 - To Statutory Revision)

HB 427-FN, establishing civil penalties for violation of laws affecting dams and flowage. (Lyons of Hillsborough Dist. 22; Blanchard of Rockingham Dist. 26; Lewis of Merrimack Dist. 5 - To Resources, Recreation and Development)

HB 428-FN, relative to current use taxation. (Shepard of Merrimack Dist. 5 - To Environment and Agriculture)

HB 429, authorizing the repair or reconstruction of certain dams. (Dingle of Strafford Dist. 4; Lewis of Merrimack Dist. 5; Freese of Dist. 4 - To Resources, Recreation and Development)

HB 430-FN, providing filing fees for the construction or reconstruction of dams. (Woodward of Rockingham Dist. 18 - To Resources, Recreation and Development)

HB 431-FN, relative to excavating and dredging permits and the wetlands board. (Woodward of Rockingham Dist. 18; Lewis of Merrimack Dist. 5 - To Resources, Recreation and Development)

HB 432-FN, to extend the road toll increase. (Gordon of Cheshire Dist. 5 - To Ways and Means)

HB 433-FN, deleting requirement for district court sessions in Epping. (Blaisdell of Rockingham Dist. 13 - To Judiciary)

HB 434-FN, providing a shoreline assessment for the dam maintenance fund. (Lefebvre of Hillsborough Dist. 26 - To Resources, Recreation and Development)

HB 435, legalizing a certain marker placed along the boundary between the towns of Lee and Barrington. (Musler of Strafford Dist. 3 - To Municipal and County Government)

HB 436-FN, establishing a highway block grant aid program. (Driscoll of Grafton Dist. 8 - To Public Works)

HB 437-FN, establishing a 90 day limit for filing claims for liens against funds held by the state on highway contracts (Pelletier of Coos Dist. 2 - To Public Works)

HB 438-FN, relative to the use of the annual population estimates of the office of state planning and establishment of the compact sections in cities and towns with a population of 7,500 or more. (Pelletier of Coos Dist. 2 - To Public Works)

HB 439, relative to taking of property by eminent domain by a public utility for power lines. (Cressy of Rockingham Dist. 16; Keenan of Rockingham Dist. 14; Rosencrantz of Rockingham Dist. 15; McAvoy of Grafton Dist. 1; Guay of Coos Dist. 7 - To Commerce, Housing and Consumer Affairs)

HB 440, relative to extending interstate 393 to route 106 and completing the upgrading of route 106. (Bolduc of Belknap Dist. 10; Bowler of Belknap Dist. 2; Randall of Belknap Dist. 3; Hawkins of Belknap Dist. 5; Dionne of Belknap Dist. 10 - To Public Works)

HB 441, relative to processing of certain complaints against public employers charged with breach of a collective bargaining agreement. (Dickinson of Carroll Dist. 2 - To Labor, Human Resources and Rehabilitation)

HB 442-FN, exempting credit union depositors from the interest and dividends tax. (Lamy of Hillsborough Dist. 37 - To Commerce, Housing and Consumer Affairs)

HB 443-FN, requiring the Wentworth-Douglass hospital in Dover to make a payment in lieu of taxes. (Belhumeur of Strafford Dist. 6; Hennessey of Strafford Dist. 6; Peters of Strafford Dist. 7 - To Municipal and County Government)

HB 444-FN, changing the form of the elderly exemption to a standard deduction from the tax bill and repealing all other elderly exemptions. (Perry of Cheshire Dist. 10 - To Municipal and County Government)

HB 445-FN, to continue the operation of the Warren fish hatchery and close the Twin Mountain hatchery. (Densmore of Grafton Dist. 3; Taffe of Grafton Dist. 6 - To Fish and Game)

HB 446-FN, relative to licensing and registration of certain vehicles. (Lamprey of Belknap Dist. 1; Golden of Belknap Dist. 7; French of Belknap Dist. 4 - To Transportation)

HB 447, giving docket preference to civil cases in which at least one of the parties is age 65 or older. (Lamprey of Belknap Dist. 1 - To Judiciary)

HB 448-FN, relative to the health facilities licensing laws. (Cressy of Rockingham Dist. 16; McAvoy of Grafton Dist. 1; Kozacka of Rockingham Dist. 13; Lessard of Dist. 21; Podles of Dist. 16 - To Health and Welfare)

HB 449, relative to teacher tenure. (Robinson of Hillsborough Dist. 14 - To Education)

HB 450-FN, relative to retention and disposition of official records of a school district. (Quinn of Hillsborough Dist. 30; Robinson of Hillsborough Dist. 14 - To Education)

HB 451, relative to current use. (Taffe of Grafton Dist. 6; King of Grafton Dist. 6 - To Environment and Agriculture)

HB 452-FN, making certain changes in the current use laws. (King of Grafton Dist. 6; Taffe of Grafton Dist. 6 - To Environment and Agriculture)

HB 453-FN, relative to disclosure of information by certain medical providers. (Sytek of Rockingham Dist. 20 - To Judiciary)

HB 454-FN, permitting group II members who reach age 65 to make an election for retirement benefits. (Burkush of Hillsborough Dist. 36 - To Executive Departments and Administration)

HB 455-FN, relative to current use assessment of certain land owned by the town located in another town. (White of Hillsborough Dist. 31 - To Municipal and County Government)

CACR 11, relating to meetings of the legislature. Providing that the legislature shall meet in annual sessions and receive mileage for not more than 45 legislative days during the session. (Kaklamanos of Hillsborough Dist. 26; Ahrens of Hillsborough Dist. 13 - To Constitutional Revision)

HCR 8, calling upon Congress and the President of the United States to pay for the full cost of providing public education for military dependents in New Hampshire. (Newman of Rockingham Dist. 24; Splaine of Rockingham Dist. 25; Pantelakos of Rockingham Dist. 24; Splaine of Dist. 24 - To State-Federal Relations)

#### RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn. Adopted.

# HOUSE JOURNAL 13

*Tuesday, 22Mar83*

The House assembled at 1:00 p.m., and was called to order by the Speaker.

Prayer was offered by Rev. Milton L. Smith, former House Chaplain.

Let us pray. Good afternoon, God. Thank You for the gift of this day and all of life.

Occasionally, God, our high hopes and dreams are realized here, and it makes us feel fulfilled and worthwhile. But more often than not, much of our labor and energy amounts to nothing, or at least it seems this way, with the passage of some bills and the defeat of others. Keep us from being discouraged. Give us grace in the face of seeming failure, to try and try again. Give us strength of purpose that we may do what we believe is right and just in Your sight. Let us be assured that we need not be ashamed of honest and determined effort. God, bless the concerned and dedicated women and men, the members of this great legislative body. Amen.

Rep. Schwaner led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Craig, Barber, Cote, Chappell, Thomas Connors, Francis Robinson, James Sullivan, Waldron, Stimmell, Louise Roberts, John Hynes, Zimmerman, Scranton, Lussier and James J. White, the day, illness.

Reps. Sloan, Joslyn, Dean, Girouard, Boland, Gross, John Burns, Copenhagen, Stevens, Stylianos, Cate, Kane, Lucille Wood, Raymond Wood, Arnold, Brack, Crotty, Walter Robinson, Susan Lawrence, Glenden Kelley, Spirou and William Dion, the day, important business.

Rep. Lewis, the day, death in the family.

## INTRODUCTION OF GUESTS

Mrs. Mildred Fielding, wife of Rep. Fielding; Diane Newman, wife of Rep. Newman; Mark Champ and Stephen Robinson, guest and husband of Rep. Ellen-Ann Robinson; Cheryl and Michelle Stemp, sister and niece of Rep. Ellen-Ann Robinson; Tina Swett, guest of Rep. Gregorio; Maureen Seavey, Carol, Lynn and Lee Ann Lyman, guests of Rep. Murphy; Tom Grogan, guest of Rep. Rounds.

## THREE LEGISLATIVE DAY EXTENSION GRANTED

HB 171, relative to current use assessment.

Rep. Rounds moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted. Adopted.

## COMMITTEE REPORTS (Consent Calendar)

HB 226, prohibiting the release of any animal from any humane retaining facility for experimentation or vivisection purposes. Ought to Pass.

This bill prevents any animal committed to a shelter to be sold for experimentation or vivisection. Vote 16-0. Rep. Gerald L. Smith for Environment and Agriculture.

HB 303-FN, making an appropriation for the drilling of test wells in the town of Merrimack to determine the need for hazardous waste cleanup. Inexpedient to Legislate.

The Committee is unanimous that no one town should be singled out for funding unless all towns can be. Vote 15-0. Rep. Elizabeth A. Greene for Environment and Agriculture.

HB 166-FN, relative to taking wild black bear. Ought to Pass with Amendment.

This bill with the amendment designates the bear as a game animal. Vote 13-0. Rep. Mary Ann Lewis for Fish and Game.

## Amendment

Amend the bill by striking out all after section 2 and inserting in place thereof the following:

3 Effective Date. This act shall take effect 60 days after its passage.

HB 327-FN, establishing fees for any publication produced by the department of fish and game. Ought to Pass.

This bill corrects an error made by footnote in the budget last session. Vote 15-0. Rep. Laura Pantelakos for Fish and Game.

HB 329, relative to gifts to the department of fish and game. Ought to Pass with Amendment.

The Committee felt that this bill would save time and money for the Fish and Game Department as well as the Governor and Council. Vote 15-0. Rep. Laura Pantelakos for Fish and Game.

## Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Small Gifts. Amend RSA 206 by inserting after section 33 the following new section:

206:33-a Small Gifts. Notwithstanding any other provision of law to the contrary, any gifts not exceeding \$500 in cash or value may be received and expended by the department of fish and game with the consent of the commission without the approval of the governor or the governor and council.

2 Effective Date. This act shall take effect upon its passage.

HB 192-FN, amending the elderly residential real estate tax exemption and making other minor changes in RSA 72. Ought to Pass with Amendment.

This is basically a housekeeping bill to bring the adjusted elderly exemption in agreement with other elderly exemption statutes and establishes a legislative committee to study all elderly exemption statutes with the aim of proposing one elderly exemption statute. Vote 14-0. Rep. Roger C. King for Municipal and County Government.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

establishing a study committee on property tax exemptions for the elderly, amending the residential real estate tax exemption for the elderly and making other minor changes in RSA 72.

Amend the bill by striking out sections 1 and 2 and inserting in place thereof the following:

1 Study Committee. There is hereby established a committee on property tax exemptions for the elderly to be composed of 2 senators appointed by the president of the senate; 2 representatives, appointed by the speaker of the house; the chairman of the joint house and senate legislative committee on the elderly or another member of such committee selected by the chairman; and 1 member to be appointed by the executive director of the New Hampshire municipal association. The members shall serve without compensation, but legislative members shall receive legislative mileage for service on the committee. The committee shall, by majority vote, choose from among its members a chairman. The committee shall receive the assistance of any state agency or board as deemed necessary by the committee to enable it to carry out its mandate. The committee shall examine existing statutes dealing with elderly property tax exemptions to consider a single elderly tax exemption, to review ways of providing for consistency of application of elderly tax exemptions throughout the municipalities of the state, and to review the economic impact of elderly tax exemptions on the municipalities of the state and qualifying individuals. The committee shall prepare a report on these issues and submit such report to the general court no later than January 1, 1985. The committee shall also make recommendations regarding legislation changes, if appropriate, to the 1985 session of the general court.

2 Including Adjusted Elderly Exemption in Application Provision. Amend RSA 72:42, I (supp) as inserted by 1969, 496:1 as amended by inserting in line 3 after the

citation "RSA 72:43-b" the following (or RSA 72:43-f) so that said paragraph as amended shall read as follows:

72:42 --Application.

1. On or before April 15 of the first year in which an exemption is claimed, a person qualified for the exemption under RSA 72:39 or RSA 72:43-b or RSA 72:43-f shall file a permanent application for the exemption with the selectmen or assessors. The commissioner of revenue administration shall prepare, and he shall adopt rules, pursuant to RSA 541-A, relative to the application form to be used in claiming such an exemption. The form shall be signed by the applicant under penalty of perjury, and shall show that the applicant is qualified for the exemption.

HB 252, providing for a right to a hearing before the commissioner of revenue administration relative to apportionment of public taxes. Ought to Pass with Amendment.

This bill gives municipalities the right to a hearing before the Commissioner of Revenue Administration relative to the annual rate percent of taxation. Vote 17-0. Rep. Eugene W. Clark for Municipal and County Government.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

providing for a right to a hearing before the commissioner of revenue administration relative to the annual rate percent of taxation.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Right to a Hearing. Amend RSA 41:15 as amended by striking out said section and inserting in place thereof the following:

41:15 Report Required. The selectmen shall annually certify to the commissioner of revenue administration, upon blanks prescribed and provided by the department for the purpose, the number of residents and total valuation of each class of property included in the inventory of residents and ratable estates together with a certificate of the several appropriations voted by the town and estimated revenues, so far as known, and such other information as the commissioner may require. The commissioner shall examine such certificates and delete any appropriation which is not made in accordance with the law. He may adjust any sum which may be used as a set off against the amount appropriated when it appears to the commissioner that such adjustment is in the best public interest. The commissioner from the certificates, and those filed by the school boards and village district commissioners, as adjusted by the commissioner of revenue administration, shall compute a rate percent of taxation and notify the selectmen thereof. Any town, city or unincorporated place which is dissatisfied with said rate percent of



taxation may, within 10 days of notification, request an oral hearing on this matter before the commissioner of revenue administration. If such a request is made, the commissioner shall promptly schedule and conduct a hearing pursuant to rules he shall adopt under RSA 541-A. After hearing, the decision of the commissioner shall be final. Such certificates, as adjusted by the commissioner of revenue administration, shall be used to determine the average rate of taxation throughout the state. If such certificates are not received by October 1, the commissioner may use such information as he may be able to obtain in order to determine the average rate of taxation throughout the state for that year.

2 Effective Date. This act shall take effect 60 days after its passage.

HB 328, authorizing towns to establish general reserve funds for any purpose for which a town may raise money. Ought to Pass with Amendment.

This bill creates a new type of reserve fund in addition to the capital revenue system which enables towns to establish general reserve funds for any purpose for which a town may appropriate money. Such funds can only be established at an annual town meeting. To withdraw and use the funds an article must be entered and passed at a regular or special town meeting. Vote 15-0. Rep. John P. Lawrence for Municipal and County Government.

#### Amendment

Amend the bill by striking out section 1 of the bill and inserting in place thereof the following:

1 New Subdivision. Amend RSA 31 by inserting after section 9-c the following new subdivision:

#### General Reserve Funds

31:9-d General Reserve Funds Authorized. A town may raise and appropriate money for the establishment of one or more general reserve funds. Such funds may be established for any purpose for which a municipality may raise and appropriate money.

31:9-e Establishment and Discontinuance. A general reserve fund may be established or discontinued only by a majority vote of the legal voters present and voting at an annual town meeting. The warrant for a town meeting at which the establishment or discontinuance of such a fund is to be considered shall include an article distinctly stating the purpose for which the fund is to be established, or was established, as appropriate.

31:9-f Appropriations. There may be paid into any general reserve fund such amounts as may from time to time be raised and appropriated therefor.

31:9-g Investment. The moneys in each general reserve fund shall be kept in a separate account and not intermingled with any other funds of a town. Each general reserve fund shall be invested only by

deposit in some savings bank or in the savings department of a national bank or trust company, cooperative bank, building and loan association, or federal savings and loan association in this state, or in bonds, notes or other obligations of the United States government, or in bonds or notes of this state, and when so invested the trustee, trustees or town treasurer hereinafter named shall not be liable for the loss thereof. Any interest earned or capital gains realized on the moneys so invested shall accrue to and become a part of the fund. Deposits in banks shall be made in the name of the town which holds the same as reserve, and it shall appear upon the books thereof that the same is a general reserve fund.

31:9-h Trustees of Funds. Either the trustee or trustees of town trust funds provided for in RSA 31:22 and 23, or the town treasurer, whoever is designated by majority vote of those present and voting at the town's annual meeting, shall have custody of any general reserve fund of a town. Said trustee, trustees or town treasurer shall give bond in such amount and in such form as the commissioner of revenue administration shall prescribe, in a rule adopted under RSA 541-A and any such trustee or town treasurer who shall make any payment of income or principal from any such general reserve fund before the approval of his bond in writing by the commissioner of revenue administration shall be personally liable to the town for any loss resulting from such payment. Any such loss may be recovered for the town at the suit of any citizen. The expenses of said trustee, trustees or town treasurer and the expenses of their bonds shall be charged as incidental town charges.

31:9-i Expenditure. The trustee, trustees or town treasurer holding general reserve funds in trust, as provided for in RSA 31:9-h, shall hold the same until such time as the town shall, by majority vote of those present and voting at an annual or special town meeting, determine to use the funds for carrying out the objective designated by the town when said fund was originally created.

31:9-j Audit; Records. The accounts of the trustee, trustees or town treasurer holding general reserve funds shall be audited annually by the auditor of the town, and the securities shall be exhibited to him. The auditor shall then certify the facts found by the audit and the list of all securities held. The trustee, trustees or town treasurer holding said funds shall keep a record of all general reserve funds in a record book which shall be open to the inspection of all persons of their town.

HB 330, concerning the allocation of fees collected for dog and kennel licenses. Inexpedient to Legislate.

This bill requires that \$1.00 be divested from town dog license fees and paid over to the State for the use of the Fish and Game Department. The Committee feels that funding of a state agency should be by the Legislature rather than expecting the towns to draw on their already limited resources. Vote 17-0. Rep. John P. Lawrence for Municipal and County Government.

HB 319-FN, relative to the gasoline tax. Inexpedient to Legislate.

This bill would further jeopardize the Public Works and Highways funding and further no proper purpose. It should not be legislated, as the topic will be considered in other legislation. Vote 16-0. Rep. Ted A. Pelletier for Public Works.

#### COMMITTEE REPORTS (Regular Calendar)

HCR 5, urging Congress to repeal the law requiring financial institutions to withhold 10 percent of interest and dividend payments. Ought to Pass.

This resolution urges Congress to repeal the law requiring financial institutions to withhold 10% of interest and dividends. Vote 12-3. Rep. Edward J. Allgeyer for Commerce, Housing and Consumer Affairs.

Reps. Winn, Demers and Rounds spoke in favor of the Committee report.

Rep. Scamman spoke against the Committee report.

Ordered to third reading.

HB 121-FN, relative to sunset review of the higher education fund - Merrimack Valley Branch. Ought to Pass with Amendment.

This unit of the university system deserves to continue for it performs a necessary and useful purpose for the residents of the Merrimack Valley. The amendment changes "Branch" to "College" to reflect the present status of the institution. It also requires the board of trustees to devise a plan stating the college's goals and a strategy for implementing those goals, including funding considerations. The trustees shall report the plan to the legislature by November 1, 1984, which would facilitate the introduction of legislation in the 1985 session if changes are needed in the present statute on Merrimack Valley College. Vote 16-0. Rep. Edmund M. Keefe for Education.

#### Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Name Change. The name of the higher education fund - Merrimack Valley Branch, PAU 060704, shall hereafter be known as "the higher education fund - Merrimack Valley College."

4 Board of Trustees; Development Plan. The board of trustees of the university system shall devise a plan which shall state the goals of the college and a strategy for implementing those goals. The plan shall include all funding considerations necessary for implementation and a timetable by which the goals will be met. The trustees shall present both an interim report on January 1, 1984, and a final report on November 1, 1984, to the appropriate standing committees of the general court and to the university system study committee.

5 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

HB 69, relative to the membership of the bulk power supply facility site evaluation committee. Ought to Pass with Amendment.

The amendment changes the make-up of the Site Evaluation Committee by deleting the Commissioner of Health and Welfare and the State Radiologist and adding the Director of Public Health and Welfare and the Commissioner of Public Works and Highways. It also clarifies the procedures and responsibilities of the Site Evaluation Committee and the Public Utilities Commission in the siting process. The timing of procedures is tightened. New sections add an additional basis for siting a facility under RSA 162-F:8, II (a) and allows the Site Evaluation Committee to suspend its actions and ask the Public Utilities Commission to make its findings before the Committee resumes its work. Representatives from the Public Utilities Commission, the Administrator of the Site Evaluation Committee, and Public Service Company of New Hampshire helped develop and support the amendment. Vote 18-0. Rep. Barbara B. Bowler for Environment and Agriculture.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to bulk power siting procedures.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Definition of Bulk Power Supply Facilities. Amend RSA 162-F:2, I(c) as inserted by 1971, 357:1 by striking out in lines 4 and 5 the words "or commission" so that said subparagraph as amended shall read as follows:

(c) An electric transmission line of a design rating in excess of 100 kilovolts that is in excess of 10 miles in length over a route not already occupied by a transmission line or electric transmission lines of a design rating in excess of 100 kilovolts which the site evaluation committee determines should require a certificate because of a substantial environmental impact.

2 Site Evaluation Committee Membership. Amend RSA 162-F:3 as inserted by 1971, 357:1 as amended by striking out said section and inserting in place thereof the following:

162-F:3 Site Evaluation Committee. The bulk power supply facility site evaluation committee shall consist of the executive director and the chief aquatic biologist of the water supply and pollution control commission, the commissioner of the department of resources and economic

development, the director of the division of public health services, the executive director of fish and game, the director of the office of state planning, the chairman of the water resources board, the director of the air resources agency, the director of the division of parks, the director of the division of forests and lands, the commissioner of public works and highways, the chairman of the public utilities commission and the chief engineer of the public utilities commission. The director of the water supply and pollution control commission shall be chairman of the site evaluation committee; provided that in the event there is created an agency or department whose function is the protection and preservation of the environment of the state, the director of that agency shall be the chairman of the site evaluation committee.

3 Applications for Site Certificate. Amend RSA 162-F:6, II as inserted by 1971, 357:1 by striking out said paragraph and inserting in place thereof the following:

II. All applications for a certificate of site and facility shall be filed with the commission not less than 16 months prior to the planned date of commencement of construction of the facilities affected, and such plans may be subject to reasonable modification during the period of review. As a prerequisite to such filing, except for good cause shown as determined by the site evaluation committee, the electric utility shall have complied with the provisions of RSA 162-F:4; and with respect to power plants and transmission line routes, except for good cause shown as determined by the site evaluation committee, shall have complied with the requirement that the site selected is from among those sites in the electric utility's 5-year inventory of sites approved by the site evaluation committee and that it will utilize the general transmission line routes identified in its long-range plans.

4 Hearing Process. Amend RSA 162-F:7, I as inserted by 1971, 357:1 as amended by striking out said paragraph and inserting in place thereof the following:

I. Within 60 days after receipt of an application for a certificate of site and facility, pursuant to RSA 162-F:6, the site evaluation committee and the commission shall hold a joint public hearing in each county in which the proposed facility is to be located and shall publish a public notice not less than 21 days before said hearing in one or more newspapers having a regular circulation in the county in which the hearing is to be held, describing the location of the proposed facilities. Such public hearing shall be a joint hearing, with representatives of such other agencies as have jurisdiction over the subject matter and shall be deemed to satisfy all initial requirements for public hearings under statutes requiring permits relative to environmental impact. The hearing shall be for public information on the proposed facilities with the applicant presenting the information to the site evaluation committee and to the public. Only site evaluation committee members shall ask questions for

clarification regarding the proposed facility at the hearing.

5 Subsequent Hearings. Amend RSA 167-F:7 by inserting after paragraph I the following new paragraph:

I-a. Subsequent hearings shall be in the nature of adversary proceedings and may be held in the county or one of the counties in which the proposed facility is to be located or in Concord, New Hampshire, as determined by the site evaluation committee.

6 Expenses of Counsel for the Public. Amend RSA 162-F:7, V (supp) as inserted by 1971, 357:1 as amended by striking out said paragraph and inserting in place thereof the following:

V. The site evaluation committee and the commission shall jointly conduct such reasonable studies and investigations as they deem necessary or appropriate to carry out the purposes of this chapter and may employ a consultant or consultants, legal counsel and other staff in furtherance of the duties imposed by this chapter, the cost of which shall be borne by the applicant in such amount as may be approved by the commission. The site evaluation committee, the commission, and counsel for the public as provided for by RSA 162-F:9 are further authorized to assess the applicant for all travel and related expenses associated with the processing of an application under this chapter.

7 Committee Findings. Amend RSA 162-F:8, I as inserted by 1971, 357:1 as amended by striking out said paragraph and inserting in place thereof the following:

I. The site evaluation committee shall send its findings to the commission within 14 months of the filing of an application for a certificate of site and facility. Findings by the site evaluation committee to the commission shall be made after a vote of the site evaluation committee. A majority vote of the site evaluation committee shall be conclusive on all questions of siting, land use, air and water quality. The site evaluation committee, after having considered available alternatives and the environmental impact of the site or route, must find that the site and facility:

(a) Will not unduly interfere with the orderly development of the region with due consideration having been given to the views of municipal and regional planning commissions and municipal legislative bodies;

(b) Will not have an unreasonable adverse effect on esthetics, historic sites, air and water quality, the natural environment, and the public health and safety.

8 Commission Findings. Amend RSA 162-F:8, II as inserted by 1971, 357:1 by striking out said paragraph and inserting in place thereof the following:

II. The commission shall issue or deny a certificate. The commission shall issue a certificate only after it has reasonable assurance that all applicable state standards and requirements shall be met by the applicant. The commission shall incorporate in its certificate such lawful terms as may be supplied to it by the site evaluation committee and those state

agencies having permit or license granting responsibilities under state law. The commission shall be bound by the findings of the site evaluation committee under paragraph I. In its decision, the commission must find that the construction of the facility:

(a) Is required to meet the present and future need for electricity. A finding that the construction of the facility is required to meet the present and future need for electricity may be based upon a determination of need for capacity to generate electricity, need for a greater supply of energy, or need for more economic, reliable, or otherwise improved sources of either capacity or energy. The commission shall consider economic factors when considering whether or not the facility will meet the present and future needs for electricity;

(b) Will not adversely affect system stability and reliability factors.

9 Approval of Site Evaluation Committee and Commission Required. Amend RSA 162-F:8, III as inserted by 1971, 357:1 by striking out said paragraph and inserting in place thereof the following:

III. Before a certificate may be issued by the commission, both the site evaluation committee and the commission shall have determined that the requirements of RSA 162-F:8, I and II have been met. In the consideration of applications for certificates of site and facility, the site evaluation committee and the commission shall assure full public review and adequate consideration of all environmental values and other relevant factors bearing on whether the objectives of this chapter would be best served by the issuance of the certificate. The site evaluation committee and the commission may consult with interested regional agencies and agencies of border states in the issuance of such certificates.

10 Suspension of Deliberations. Amend RSA 162-F by inserting after section 8 the following new section:

162-F:8-a Temporary Suspension of Deliberations. If the site evaluation committee, at any time during its deliberations relative to an application for a certificate of site and facility, deems it to be in the public interest, the site evaluation committee may temporarily suspend its deliberations and request the commission to exercise its duties under this chapter. After deliberations have been so suspended, if the commission finds that the requirements of RSA 162-F:8, II have been met and so notifies the site evaluation committee, the site evaluation committee shall resume its deliberations under this chapter.

11 Expenses of Counsel for the Public; Energy Facility Evaluation Committee. Amend RSA 162-H:8, III (supp) as inserted by 1974, 39:3 as amended by striking out said paragraph and inserting in place thereof the following:

III. The committee may require such information from the applicant and state agencies and officials as it deems necessary to assist it in the conduct of hearings and in making any investigation or

studies it may undertake and in the determination of the terms and conditions of any permit under consideration. The committee shall conduct such reasonable studies and investigations as it deems necessary or appropriate to carry out the purposes of this chapter and may employ consultants, legal counsel and other staff in furtherance of the duties imposed by this chapter, the cost of which shall be borne by the applicant in such amount as may be approved by the committee. The committee and counsel for the public, as provided for by RSA 162-H:11, are further authorized to assess the applicant for all travel and related expenses associated with the processing of an application under this chapter.

12 Repeal. The introductory paragraph of RSA 162-F:7, relative to the hearing upon the receipt of the application, is hereby repealed.

13 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 257, authorizing municipalities to appropriate money for any legal purpose. Ought to Pass.

This bill expands the ability of towns to appropriate money for public purposes so that towns are no longer restricted to a limited set of purposes as presently stated in RSA 31:4. Restrictions on appropriating monies will be limited to prohibitions by statute or our Constitution. Vote 17-0. Rep. Alf E. Jacobson for Municipal and County Government.

Ordered to third reading.

HB 88, relative to the inspection of amusement rides. Ought to Pass with Amendment.

The Committee amendment will provide the maximum practical degree of protection to those persons who enjoy riding the mechanical thrill devices at county fairs, local amusement parks, fraternal order carnivals, etc. Protection is provided through 3 levels of inspections; by the insurers of the rides, by the operators of the rides and by the inspectors of the Division of Safety Services of the Department of Safety. Vote 9-0. Rep. Warren F. Ames for Public Protection and Veterans Affairs.

Amendment

Amend the bill by striking out sections 2 and 3 and inserting in place thereof the following:

2 Inspection Upon Assembly. Amend RSA 321-A:4 (supp) as inserted by 1975, 473:1 as amended by striking out said section and inserting in place thereof the following:

321-A:4 Decal Required. No person shall operate a carnival or amusement ride without a decal issued by the director. The director may by rule establish a reasonable fee for decals to cover the costs of



administering this chapter. An operator shall apply for a decal to the director on a form furnished by him and containing such information as he may require. No such decals shall be issued by the director until proof of adequate insurance on each such ride, as provided in RSA 321-A:5, III, is certified by the owner or operator to the director and the applicable fee has been paid.

3 New Section. Amend RSA 321-A by inserting after section 2 the following new section:

321-A:2-a Inspections.

1. All carnival or amusement rides shall be inspected at the following times:

(a) Carnival or amusement rides operated at a fixed and regular location:

(1) By the insurer when originally put into operation for the use of the public. The director shall be notified of the operator's intent at least 10 days prior to the inspection.

(2) By the insurer within the 15 days prior to the expected date of operation at the start of each season. The director shall be notified at least 10 days prior to the inspection.

(3) By a safety inspector of the division, after having been completely or substantially disassembled and reassembled.

(4) By the operator, daily on days of operation and prior to operation, using an inspection form developed by the director which shall be forwarded to the director on a weekly basis.

(5) By the insurer every 90 days or 600 hours of operation, whichever occurs first, during the season.

(6) By a safety inspector of the division, if warranted, after receipt of inspection reports.

(7) By a safety inspector of the division at unannounced times.

(b) Carnival or amusement rides which are relocatable;

(1) By the insurer, upon initial annual assembly in New Hampshire, unless the insurer has inspected the rides within the 30 days prior to their entering the state. The director shall be notified at least 10 days prior to the inspection.

(2) By the insurer each succeeding 60 days or 600 hours of operation, whichever occurs first, during the operating season.

(3) By the operator on each day of operation, prior to operation, using the inspection form developed by the director. The form shall be forwarded to the director on a weekly basis, or upon relocation of the ride, whichever occurs first.

(4) By a safety inspector of the division, if warranted, after receipt of the inspection reports.

(5) By a safety inspector of the division at unannounced times.

II. Any person who operates a carnival or amusement ride without submitting to the inspections required by

this section shall be guilty as provided in RSA 321-A:9 for a violation of RSA 321-A:5.

Amendment adopted.

Ordered to third reading.

HB 234-FN, providing an evaluation of state Route 101A corridor in the Nashua region and making an appropriation therefor. Refer for Interim Study.

Since the Hudson-Merrimack loop crossing has not yet been fixed as to exact location, this bill should be directed to further study. Vote 16-0. Rep. Ted A. Pelletier for Public Works.

Referred for Interim Study.

HB 240-FN, to restore and rehabilitate the Tip Top house in Mount Washington state park and making an appropriation therefor. Ought to Pass with Amendment.

It was discussed that other associations and societies should be able to make contributions to the funding of this project and action should be initiated to make known that these actions are welcome. Vote 16-0. Rep. Charles M. Nute for Public Works.

Amendment

Amend the bill by striking out section 1 of same and inserting in place thereof the following:

1 Appropriation. The sum of \$100,000 is hereby appropriated to the department of resources and economic development for the biennium ending June 30, 1985. This appropriation is in addition to any other sums appropriated to said department for the biennium and shall be used only for the restoration and rehabilitation of the Tip Top house in Mount Washington state park as a permanent mountain historical museum. Notwithstanding the provisions of RSA 4:8, the department of resources and economic development is authorized to receive and expend for the purposes of this act private gifts, bequests, grants and federal assistance, if available, and the appropriation of general fund moneys shall be reduced accordingly. The governor is authorized to draw his warrant for said sum from any money in the treasury not otherwise appropriated.

Amendment adopted.

Referred to Appropriations.

HB 310-FN, relative to construction of the central New Hampshire turnpike and making an appropriation therefor. Ought to Pass.

This bill appropriates \$19,500,000 for improvements to the central New Hampshire turnpike. It eliminates any discount on tolls to finance the project. Vote 15-1. Rep. Joseph M. Silva for Public Works.

Referred to Appropriations.

HB 157-FN, relative to sunset review of DRED - recreation services. Ought to Pass.

This bill continues the recreational planning program known as SCORP in the Office of State Planning under a contract with DRED. SCORP provides the basis for the distribution of New Hampshire's share from the Federal Land and Water Conservation Fund. The recommendation of the Sunset Report was to return the program to DRED. The Committee supports the recommendation of the Sunset Report regarding the functions appropriate to the Office of State Planning - essentially state policy development and coordination rather than administration of grants. The Committee did find that the SCORP program appeared to relate more closely to the narrower administrative function and therefore belonged in DRED. However, the Governor, who has articulated a strong commitment to state policy development as the function of a restructured Office of State Planning, has requested retaining SCORP in the Office of State Planning where - the Committee has been assured - the monies will be creatively utilized for the purpose of developing broad state recreational policies. The Committee has asked the Governor's Office of State Planning to demonstrate, in a report to the Committee by June 1, the manner in which the Office is achieving this purpose with SCORP. Pending this report, the Committee recommends leaving SCORP in the Office of State Planning and therefore, Ought to Pass on HB 157. Vote 20-1. Rep. Joan M. Schreiber for Resources, Recreation and Development.

Ordered to third reading.

### THREE LEGISLATIVE DAY EXTENSION GRANTED

HB 85, requiring certain hunters to wear hunter orange.

### VACATE

Rep. Mann moved that the House vacate the reference of HB 455, relative to current use assessment of certain land owned by the town located in another town, to the Committee on Municipal and County Government. Adopted.

The Speaker referred HB 455 to the Committee on Environment and Agriculture.

Rep. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourn today it be to meet Tuesday, March 29 at 1:00 p.m. Adopted.

### LATE SESSION Third reading and final passage

HB 226, prohibiting the release of any animal from any humane retaining facility for experimentation or vivisection purposes. HB 166-FN, relative to taking wild black bear.

HB 327-FN, establishing fees for any publication produced by the department of fish and game.

HB 329, relative to gifts to the department of fish and game.

HB 192-FN, establishing a study committee on property tax exemptions for the elderly, amending the residential real estate tax exemption for the elderly and making other minor changes in RSA 72.

HB 252, providing for a right to a hearing before the commissioner of revenue administration relative to the annual rate percent of taxation.

HB 328, authorizing towns to establish general reserve funds for any purpose for which a town may raise money.

HCR 5, urging Congress to repeal the law requiring financial institutions to withhold 10 percent of interest and dividend payments.

HB 121-FN, relative to sunset review of the higher education fund - Merrimack Valley Branch.

HB 69, relative to bulk power siting procedures.

HB 257, authorizing municipalities to appropriate money for any legal purpose.

HB 88, relative to the inspection of amusement rides.

HB 157-FN, relative to sunset review of DRED - recreation services.

Rep. Rounds moved that the House stand in recess for the purpose of Introduction of Bills and Enrolling Reports only. Adopted.

The House recessed at 1:45.

### RECESS

(Speaker Pro Tem in the Chair)

Rep. Matson offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 456 through 483, and Concurrent Resolutions Proposing Constitutional Amendments numbered 12 and 13, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees. Adopted.

### INTRODUCTION OF HOUSE BILLS AND CACRS First, second reading and referral

HB 456-FN, to provide a loss carryover under the business profits tax. (Quimby of Rockingham Dist. 7; Tamposi of Hillsborough Dist. 24; Lamprey of Belknap Dist. 1 - To Ways and Means)

HB 457-FN, relative to distributing evenly the tax exemption for totally disabled veterans. (Levesque of Hillsborough Dist. 25; Oleson of Coos Dist.

7; Gagnon of Hillshorough Dist. 26; Boyer of Dist. 13 - To Municipal and County Government)

HB 458-FN, relative to changing the current use law. (Jacobson of Merrimack Dist. 2 - To Environment and Agriculture)

HB 459, requiring identification names and numbers on dentures and removable dental prostheses. (Clark of Cheshire Dist. 3 - To Health and Welfare)

HB 460, amending the truck weight and size laws to conform to federal requirements. (Walter of Grafton Dist. 13 - To Transportation)

HB 461, providing for the filling of vacancies of elected planning board members by the selectmen. (Gregorio of Rockingham Dist. 5; Flanders of Rockingham Dist. 5; Bartlett of Dist. 19 - To Municipal and County Government)

HB 462, relative to the rights of blind or hearing impaired persons accompanied by a seeing eye dog or hearing ear dogs. (Torr of Strafford Dist. 6 - To Health and Welfare)

HB 463, transferring the licensing and enforcement duties of the state liquor commission to the department of safety. (Rounds of Grafton Dist. 10; McLane of Dist. 15 - To Executive Departments and Administration)

HB 464, authorizing adjustments to the boundary line between the Concord Union school district and the Merrimack Valley school district. (Holmes of Merrimack Dist. 13; Gross of Merrimack Dist. 15; Kinham of Merrimack Dist. 13; Degnan of Merrimack Dist. 16; Dean of Merrimack Dist. 13; McLane of Dist. 15 - To Education)

HB 465, relative to proceedings before the water resources board. (Woodward of Rockingham Dist. 18; Lewis of Merrimack Dist. 5; Blanchard of Rockingham Dist. 26 - To Resources, Recreation and Development)

HB 466, relative to the laws affecting the state militia and state employees who are members of the armed forces. (Benton of Rockingham Dist. 5 - To Public Protection and Veterans' Affairs)

HB 467-FN, permitting the impoundment of a vehicle used by a person convicted of a second offense of driving while intoxicated. (Knight of Hillsborough Dist. 6; Brack of Hillsborough Dist. 32 - To Judiciary)

HB 468, modifying the composition of the state council on aging. (Dickinson of Carroll Dist. 2 - To Executive Departments and Administration)

HB 469-FN, relative to the attendance of the attorney general or his designee at involuntary commitment proceedings. (Kidder of Merrimack Dist. 2 - To State Institutions)

HB 470-FN, to reclassify certain highways in the towns of Jefferson and Center Harbor from class II to class V highways. (Calloway of Cheshire Dist. 1 - To Public Works)

HB 471, concerning the effective date of certain laws. (Lane of Cheshire Dist. 15 - To Legislative Administration)

HB 472, providing for a lien on certain property of a tenant. (Lane of Cheshire Dist. 15 - To Commerce, Housing and Consumer Affairs)

HB 473, relative to gasoline credit account charges. (French of Belknap Dist. 4 - To Commerce, Housing and Consumer Affairs)

HB 474, authorizing the mayor of Concord, with the consent of the city council, to appoint commissioners to the Concord housing authority. (McDonnell of Merrimack Dist. 16 - To Municipal and County Government)

HB 475, requiring inclusion in town warrants of a separate article relative to wage increases for town employees. (Jacobson of Merrimack Dist. 2 - To Municipal and County Government)

HB 476-FN, relative to the retirement allowance for early retirees. (Walker of Rockingham Dist. 17 - To Executive Departments and Administration)

HB 477, relative to the right-to-know law. (Arris of Hillsborough Dist. 19 - To Judiciary)

HB 478-FN, relative to the postsecondary vocational education budget. (Pearson of Belknap Dist. 5 - To Education)

HB 479, clarifying the meaning of "incompatible offices" in RSA 669:7. (Lawrence of Hillsborough Dist. 19 - To Statutory Revision)

HB 480, relative to the adoption of a New England truckers compact. (LaMott of Grafton Dist. 5; French of Belknap Dist. 4; Tavitian of Rockingham Dist. 9 - To Transportation)

HB 481-FN, enabling the state to enter the regional fuel tax agreement. (LaMott of Grafton Dist. 5; French of Belknap Dist. 4; Tavitian of Rockingham Dist. 9 - To Transportation)

HB 482-FN, increasing certain fees charged by the department of safety. (Hardy of Belknap Dist. 4 - To Ways and Means)

HB 483-FN, relative to the escrow account for court facility improvements. (Bibbo of Merrimack Dist. 3 - To Judiciary)

CACR 12, relating to personal income tax. Providing that all proceeds, less the cost of collection and administration, shall be distributed to municipalities, school districts and counties. (Sackett of Strafford Dist. 4 - To Constitutional Revision)

CACR 13, relating to county officers. Providing that said officers be elected or appointed as determined by law. (Jacobson of Merrimack Dist. 2 - To Constitutional Revision)

#### RECESS

(Speaker Pro Tem in the Chair)

Rep. William Boucher offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 484 through 499 and 501 through 505, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 484-FN, relative to driving while intoxicated. (Lussier of Strafford Dist. 8; Flynn of Strafford Dist. 8; Splaine of Dist. 24; Allen of Dist. 3 - To Judiciary)

HB 485-FN, to allow the use of preliminary breath testing devices for establishment of probable cause. (Lussier of Strafford Dist. 8; Flynn of Strafford Dist. 8; Allen of Dist. 3 - To Judiciary)

HB 486-FN, requiring persons who serve liquor to obtain server permits. (Lussier of Strafford Dist. 8; Flynn of Strafford Dist. 8 - To Judiciary)

HB 487, prohibiting the drinking of alcoholic beverages by a person driving a vehicle upon any way. (Lussier of Strafford Dist. 8; Flynn of Strafford Dist. 8; Freese of Dist. 4 - To Judiciary)

HB 488-FN, increasing the penalties for driving after revocation of a license for driving under the influence of alcohol or drugs. (Lussier of Strafford Dist. 8; Flynn of Strafford Dist. 8; Splaine of Dist. 24; Allen of Dist. 3 - To Judiciary)

HB 489-FN, to provide for 2 additional superior court associate justices and 2 additional assistant attorneys general. (Lussier of Strafford Dist. 8; Flynn of Strafford Dist. 8 - To Judiciary)

HB 490-FN, relative to driving while impaired. (Underwood of Merrimack Dist. 15 - To Judiciary)

HB 491-FN, increasing the penalties for negligent homicide with a motor vehicle. (Brack of Hillsborough Dist. 32; Lussier of Strafford Dist. 8 - To Judiciary)

HB 492, relative to the election of representatives to the general court and delegates to state conventions from Nashua. (Kaklamanos of Hillsborough Dist. 26; Carragher of Hillsborough Dist. 22 - To Statutory Revision)

HB 493-FN, increasing the jurisdictional amounts of small claims and the district court. (Blake of Rockingham Dist. 6; Van Loan of Hillsborough Dist. 11; Peters of Hillsborough Dist. 11; Duffett of Hillsborough Dist. 11; Palumbo of Rockingham Dist. 10 - To Judiciary)

HB 494-FN, exempting the Conway incinerator from the air pollution standards of the air resources agency. (Dickinson of Carroll Dist. 2; Ashnault of Carroll Dist. 2; Holmes of Carroll Dist. 3; Murphy of Carroll Dist. 2 - To Environment and Agriculture)

HB 495-FN, relative to the land use change tax. (Blair of Grafton Dist. 8 - To Environment and Agriculture)

HB 496-FN, creating a judicial compensation commission and relative to the continuance of part time district courts. (Sytek of Rockingham Dist. 20 - To Judiciary)

HB 497, relative to trespassing on posted property. (Horton of Coos Dist. 4 - To Judiciary)

HB 498-FN, establishing a state wild duck and goose stamp and waterfowl conservation account. (Riley of Merrimack Dist. 9; Sylvia of Hillsborough Dist. 1; Drake of Rockingham Dist. 18; Oleson of Coos Dist. 7; Lewis of Merrimack Dist. 5; Wiggins of Dist. 8 - To Fish and Game)

HB 499-FN, increasing the period of discontinuation of or disqualification for food stamp assistance. (Joslyn of Rockingham Dist. 20 - To Health and Welfare)

HB 501, relative to funds deposited by treasurers of municipalities, counties and school districts. (Krasner of Rockingham Dist. 25; LoFranco of Rockingham Dist. 26 - To Municipal and County Government)

HB 502, restricting current use valuation benefits to New Hampshire residents. (Matson of Cheshire Dist. 7 - To Environment and Agriculture)

HB 503-FN, creating a presumption that cardiovascular disease in police officers is occupationally related. (Murphy of Carroll Dist. 2; Holmes of Merrimack Dist. 13; Burkush of Hillsborough Dist. 35; Boutwell of Hillsborough Dist. 20; Blaisdell of Dist. 10 - To Labor, Human Resources and Rehabilitation)

HB 504, relative to the final environmental impact statement and the preliminary engineering studies of the corridor for the north quadrant of Nashua-Hudson circumferential highway project. (Smith of Hillsborough Dist. 19; Lawrence of Hillsborough Dist. 19; Arris of Hillsborough Dist. 19; Levesque of Hillsborough Dist. 25; Donovan of Hillsborough Dist. 26; Kelly of Dist. 14 - To Public Works)

HB 505-FN, providing for the replacement of the state-owned bridge on the Gray Rocks road in the town of Belmont and making an appropriation therefor. (Hawkins of Belknap Dist. 5 - To Public Works)

## RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn.  
Adopted.

## STATUTORY APPOINTMENTS

BANK ADVISORY BOARD (RSA 383:20) Reps. Bette Tamposi, Gary Dionne.

STATE UNIVERSITY SYSTEM STUDY COMMITTEE (RSA 187-A:26) Reps. Betty Jo Taffe, Rita M. Brack, Anna S. Van Loan, Arthur Tufts.

EDUCATIONAL COMMISSION (RSA 200-G:2) Rep. Betty Jo Taffe.

AD HOC DAY CARE ADVISORY COMMITTEE Reps. Carol M. Nevins, Emma B. Wheeler.

ADVISORY COUNCIL ON WORKMENS' COMPENSATION (RSA 281:55) Rep. Patricia Skinner.

HAZARDOUS MATERIAL TRANSPORTATION ADVISORY BOARD (RSA 149-H) Rep. Elizabeth A. Greene.

COMMITTEE TO INVESTIGATE APPROPRIATE ALTERNATIVES TO THE CONFINEMENT OF CHILDREN AT THE YDC, AND THE NEW HAMPSHIRE HOSPITAL (CHAPTER 246, LAWS OF 1975) Reps. Elsie Vartanian, Ralph Parker, Virginia O'Brien Irwin.

INTERSTATE COOPERATION COMMISSION (RSA 19:2) Reps. Paul G. Meader, Marshall French.

HALFWAY HOUSE ADVISORY COMMITTEE (RSA 172-A:4) Reps. Milton A. Cate, Eleanor Carpenito, Elsie Vartanian.

STATE EMPLOYEE PRODUCTIVITY INCENTIVE PROGRAM (RSA 99:20) Rep. Marshall French.



COMMITTEE TO STUDY A UNIFIED COURT  
SYSTEM (CHAPTER 562, LAWS OF 1981) Reps.  
Francis E. Robinson, Kendall Lane, Donna P.  
Sytek.

NEW HAMPSHIRE BICENTENNIAL COMMISSION OF  
THE UNITED STATES CONSTITUTION (SCR 2, 1981)  
Reps. Joseph M. Eaton, Natalie S. Flanagan,  
Ednapearl Parr, Beverly A. Hollingworth,  
Russell C. Chase.

PLANNING AND ZONING COMMITTEE (CHAPTER  
509, LAWS OF 1981) Reps. George Lamprey,  
George A. Langley, III, Eleanor H. Stark.

HEALTH AND WELFARE OVERSIGHT COMMITTEE  
(RSA 126-A:8) Reps. Matthew M. Sochalski,  
James B. Craig, Stephen N. Harnish, Joanne  
C. Head, Carol Nevins.

JOINT LEGISLATIVE COMMITTEE ON ELDERLY  
AFFAIRS (RSA 17-H) Reps. Ednapearl F. Parr,  
Alice Tirrell Knight, Mary C. Holmes.

#### SEATING CHANCES

Rep. Margaret McGlynn from 4-49 to 2-31  
Rep. Ellen-Ann Robinson from 5-30 to 4-49

# HOUSE JOURNAL 14

*Tuesday, 29Mar83*

The House assembled at 1:00 p.m., and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

O God Almighty, You who heard the cries of our ancestors in Egypt and delivered them out of slavery, hear our cries to be delivered from the bonds of today's problems.

Let us eat the bitter herbs to remind ourselves that all is not well and even in New Hampshire there are poor and hungry enslaved by drink, poverty or prejudice attitudes.

Let this Passover time be a time to celebrate our freedom, to practice our religion, and may no plague fall upon this House because its members know and exercise their responsibility to preserve our freedom to pray. Amen.

Rep. Brodeur led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Zimmerman, Stimmell, Waldron, Connors, Joslyn, James J. White, Hendrick and Oleson, the day, illness.

Reps. Lewis, Tamposi, Blake, Flint, Gross, Arnold, Raymond Wood, Reney, Vecchione, Stylianios, William Dion, Brideau, John Wallace and Nagel, the day, important business.

## INTRODUCTION OF GUESTS

Former Lt. Governor of South Carolina, Nancy Stevenson and State Representative Harriet Keyserling, guests of Rep. Krasker; Mary Wachs and Mary Pannell, sister and wife of Rep. Pannell; Mrs. Edith Ames, wife of Rep. Ames; students from the Dondero School in Portsmouth and their teacher, Mrs. Gray, guests of Rep. Joseph MacDonald; Mr. and Mrs. Taylor, Seth and Judd Sanders, guests of Rep. Sanders; Mrs. Bonnie Riley, guest of Rep. William Riley, the New Hampshire Nurses' Association of Grafton and Sullivan Counties, guests of Rep. Girouard.

## COMMUNICATION

Gentlemen:

Please be advised that at the business portion of the annual town meeting in the town of Windham, New Hampshire the following was voted in the affirmative by the voters of the town of Windham:

"To see if the town will vote to go on record in support of the adoption of a returnable container system for the State of New Hampshire." Vote was by a hand count resulting in Yes 58 No 36.

At the request of the voters present, I have been asked to report that there are 3,059 voters on our checklist which does not represent a majority vote of the voters of Windham.

Respectfully,  
Joan C. Tuck, Town Clerk

Rep. Rounds offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 506 through 538, and Concurrent Resolution Proposing Constitutional Amendment number 14, and House Bill of Intent 2001, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS, CACR and HBI First, second reading and referral

HB 506-FN, to change the maximum age of juvenile court jurisdiction over minors charged with crimes from 18 to 16. (Eaton of Cheshire Dist. 4; Dickinson of Carroll Dist. 2 - To Health and Welfare)

HB 507-FN, relative to the collection of taxes. (King of Rockingham Dist. 4 - To Municipal and County Government)

HB 508-FN, to exempt seasonal tourist attractions from certain public utility commission requirements. (Dickinson of Carroll Dist. 2 - To Commerce, Housing and Consumer Affairs)

HB 509-FN, relative to tax liens. (Dickinson of Carroll Dist. 2; Holmes of Merrimack Dist. 13; Holmes of Carroll Dist. 3 - To Municipal and County Government)

HB 510, relative to nursing home cost incentive programs. (Nelson of Hillsborough Dist. 28; Spirow of Hillsborough Dist. 31 - To Health and Welfare)

HB 511-FN, relative to school district liability for special education. (Taffe of Grafton Dist. 6 - To Education)

HB 512, relative to clarification of certain terms regarding school children. (Taffe of Grafton Dist. 6 - To Education)

HB 513-FN, relative to deduction of military retirement pay from unemployment compensation benefits. (Matson of Cheshire Dist. 7; Ramsey of Hillsborough Dist. 35; Fields of Hillsborough Dist. 13 - To Labor, Human Resources and Rehabilitation)

HB 514-FN, providing for the unlimited duration of rules adopted by the bank commissioner under RSA 394-A. (Crory of Grafton Dist. 12; Christy of Grafton Dist. 11 - To Commerce, Housing and Consumer Affairs)

HB 515, relative to the disposition of unclaimed dogs. (Dickinson of Carroll Dist. 2 - To Environment and Agriculture)

HB 516-FN, relative to eligibility and liability for certain public assistance.

(Knight of Hillsborough Dist. 6; Craig of Hillsborough Dist. 3; Head of Hillsborough Dist. 9 - To Health and Welfare)

HB 517-FN, relative to overtime pay. (Eaton of Cheshire Dist. 4 - To Labor, Human Resources and Rehabilitation)

HB 518-FN, to prohibit leaving unattended children in motor vehicles.

(Eaton of Cheshire Dist. 4 - To Transportation)

HB 519, prohibiting the possession of weapons by convicted felons. (Eaton of Cheshire Dist. 4 - To Judiciary)

HB 520, relative to the right to privacy law. (Rounds of Crafton Dist. 10; Spiro of Hillsborough Dist. 31; Roy of Dist. 22 - To Judiciary)

HB 521-FN, regulating rental referral agencies, health clubs, and huying clubs. (Crory of Crafton Dist. 12; Kaklamanos of Hillsborough Dist. 26; Pressly of Hillsborough Dist. 23; Guay of Coos Dist. 7 - To Commerce, Housing and Consumer Affairs)

HB 522-FN, relative to appeals by the state in criminal cases. (Scamman of Rockingham Dist. 19 - To Judiciary)

HB 523-FN, amending the meals and rooms tax and certain powers of the collections division of the department of revenue administration. (French of Belknap Dist. 4 - Ways and Means)

HB 524-FN, regulating home health care agencies. (Cressy of Rockingham Dist. 16; McAvoy of Grafton Dist. 1; Kozacka of Rockingham Dist. 13; Lessard of Dist. 21; Podles of Dist. 16 - To Health and Welfare)

HB 525-FN, relative to the liability for the placement of children. (Torr of Strafford Dist. 6 - To Health and Welfare)

HB 526-FN, relative to energy conservation in new building construction. (Bowler of Belknap Dist. 2; Smith of Hillsborough Dist. 19 - To Science and Technology)

HB 527, relative to district court payments and relative to records relating to assigned counsel for indigent defendants. (Eaton of Cheshire Dist. 4 - To Judiciary)

HB 528, permitting members of the general court to work at dog or horse race tracks. (Kashulines of Hillsborough Dist. 19 - To Regulated Revenues)

HB 529-FN, relative to group insurance benefits for surviving spouses and dependents. (Sullivan of Merrimack Dist. 15 - To Commerce, Housing and Consumer Affairs)

HB 530-FN, relative to persons incompetent to stand trial. (Dickinson of Carroll Dist. 2 - To Judiciary)

HB 531-FN, relative to liquor and wine distribution. (Ahrens of Hillsborough Dist. 13 - To Regulated Revenues)

HB 532-FN, relative to the property tax exemption for charitable organizations. (D'Amante of Sullivan Dist. 7; Wiggins of Dist. 8 - To Municipal and County Government)

HB 533-FN, relative to workmen's compensation for part-time members of police and fire departments. (Eaton of Cheshire Dist. 4 - To Labor, Human Resources and Rehabilitation)

HB 534-FN, relative to the penalty for violation of the odometer disclosure law. (Wells of Hillsborough Dist. 9 - To Transportation)

HB 535-FN, relative to the payment of wages to an employee who reports to work at the request of his employer. (Hawkins of Belknap Dist. 5 - To Labor, Human Resources and Rehabilitation)

HB 536, relative to the protection of pupil's rights. (Fields of Hillsborough Dist. 13 - To Education)

HB 537-FN, relative to property tax assessments. (Jacobson of Merrimack Dist. 2 - To Municipal and County Government)

HB 538-FN, relative to police presence at dances, carnivals and circuses. (Sullivan of Merrimack Dist. 15 - To Municipal and County Government)

CACR 14, relating to personal income tax. Providing that all proceeds in excess of the cost of collection and administration be distributed to towns and cities. (Lynde of Hillsborough Dist. 20 - To Constitutional Revision)

HBI 2001, relating to compensation for easements and rights-of-way. (Cate of Merrimack Dist. 13 - To Commerce, Housing and Consumer Affairs)

#### SENATE MESSAGES CONCURRENCE

HB 38, to increase the locations at which military personnel may purchase hunting and fishing licenses.

HB 59, relative to granting the Lake Sunapee Protective Association the right to maintain a third lighthouse on Lake Sunapee.

HB 83-FN, crediting any damage monies obtained from damage to fish life, other aquatic life, wildlife or their habitat, to the fish and game fund.

HB 84, relative to the licensing for hunting and trapping wild birds and wild game.

HB 130-FN, relative to sunset review of the department of agriculture - office of commissioner.

HB 132-FN, relative to sunset review of the department of agriculture - bureau of weights and measures.

HB 133-FN, relative to sunset review of the department of agriculture - bureau of markets.

HB 134-FN, relative to sunset review of the milk sanitation board.

CACR 3, relating to the date on which the votes for councilors are laid before the senate and house of representatives. Providing that the votes shall be laid before the senate and the house of representatives on the first Wednesday following the first Tuesday in January.

HB 149-FN, relative to sunset review of safety department - division of safety services.

HB 129-FN, relative to sunset review of veterinary/medical/optometric education program.

HB 47, relative to the destruction, unlawful movement or defacement of boundary markers on real property.

HB 54, to prohibit the sale of counterfeit drugs.

HB 99, extending immunity from liability for persons reporting incidents of adult abuse.

HB 12, relative to the submission to the voters of a question relating to a charter revision, adoption or amendment.

HB 175, legalizing the town meeting of Amherst held on January 5, 1983 and providing for raising \$130,000 through taxes.

HB 184, legalizing the 1982 annual town meeting of the town of Alton.

Rep. Rounds offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate bills numbered 33, 15, 39, 47, 22 and SJR 1, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF SENATE BILLS AND SJR

First, second reading and referral

SB 33, relative to the method of filling vacancies on the Portsmouth School Board. (Municipal and County Government)

SB 15-FN, relative to a special appropriation for resurfacing and betterments on the state highway system. (Public Works)

SB 39, exempting the Mount Washington Cog Railway from the public utilities commission jurisdiction over water companies. (Commerce, Housing and Consumer Affairs)

SB 47, allowing military recruiters access to all public or publicly funded schools. (Education)

SB 22, authorizing the financing of life-care or continuing care facilities for the elderly under the New Hampshire higher educational and health facilities authority. (Health and Welfare)

SJR 1, to declare 1983 "The Year of the Forest." (Environment and Agriculture)

#### ENROLLED BILLS AMENDMENT

HB 31, establishing a penalty for a racing licensee's failure to submit certain required information on time.

#### Amendment

Amend the bill by striking out the second section number 2 and inserting in place thereof the following:

3 Effective Date. This act shall take effect upon its passage.

The original bill was introduced with 3 sections, but sections 2 and 3 both were numbered as "2." This amendment corrects the numbering of the effective date to read as section 3.

Adopted.

#### SENATE MESSAGE

#### REQUESTS CONCURRENCE WITH AMENDMENT

HB 26, allowing the use of certified rather than registered mail for blood alcohol test results and chemical analyses of drugs. (Amendment printed SJ 3/24)

Rep. Tavitian moved that the House concur.

Adopted.

Rep. Rounds moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 314, relative to vanity number plates for motor vehicles was removed at the request of Rep. Rounds.

HB 104-FN, relative to sunset review of administration and control - administration and control programs was removed at the request of Rep. Schmidtchen.

HB 315-FN, making certain supplemental appropriations was removed at the request of Rep. Kidder.

HB 210-FN, ensuring retirement benefits for police officers who become director or field representatives for the police standards and training council was removed at the request of Rep. Daniel Eaton.

HB 90, relative to improvements to the central New Hampshire turnpike and making an appropriation therefor was removed at the request of Rep. Daniell.

Adopted.

#### COMMITTEE REPORTS (Consent Calendar)

HB 100-FN, relative to sunset review of the legislative budget assistant - budget and support. Ought to Pass.

This bill renews the Legislative Budget Assistant - budget and support. Vote 21-0. Rep. Margaret A. Ramsay for Appropriations.

HB 101-FN, relative to sunset review of the legislative budget assistant - special services, post audit. Ought to Pass.

This bill renews the special services, post audit division of the Legislative Budget Assistant. Vote 21-0. Rep. Margaret A. Ramsay for Appropriations.

HB 102-FN, relative to sunset review of administration and control - budget and control. Ought to Pass.

This bill renews the division of special disbursement of the Department of Administration and Control. Vote 21-0. Rep. Margaret A. Ramsay for Appropriations.

HB 103-FN, relative to sunset review of administration and control - division of special disbursements. Ought to Pass.

This bill reinstates the division of special disbursements in the Department of Administration and Control. Vote 21-0. Rep. Margaret A. Ramsay for Appropriations.

HB 105-FN, relative to sunset review of state treasury - administration. Ought to Pass with Amendment.

This bill renews the administration of the State Treasury and was amended to



insure the timely reporting of all funds collected by the various agencies in the state. Vote 12-0. Rep. Margaret A. Ramsay for Appropriations.

#### Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Payments to State Treasurer. Amend RSA 6:11 (supp) as amended by striking out said section and inserting in place thereof the following:

6:11 Payments to Treasurer.

I. All state departments and institutions, except the university system of New Hampshire, the building projects revolving fund of the state board of education, and the supreme court for the purposes of the escrow account for court facility improvements under RSA 490:26-c, receiving money for the state from sources outside of the state treasury shall pay the full amount of all said moneys intact into the state treasurer's account weekly, or as much more often as the governor and council shall direct. If more than \$100 is generated on any one day, such state department or institution shall deposit on that day all money accumulated for the state. Whenever money accumulated for the state during a week exceeds the amount of \$100, such state department or institution shall deposit all money accumulated during that week on the day on which the total accumulation exceeded \$100.

II. When depositing funds, agencies shall use a 5 part deposit ticket. Distribution of the tickets shall be at the time of deposit as follows: the original shall be given to the bank into which the deposit is made, a copy shall be retained by the state department or institution making the deposit, and copies shall be sent to the state treasurer, the state comptroller, and the main accounting office of the depositing agency or institution, if applicable. On the day of deposit, the agency or institution shall forward to the state treasurer and comptroller, along with copies of the deposit ticket, any additional detailed information as may be required by the treasurer or comptroller to properly account for such funds under RSA 6 or RSA 8. Accounts in relation to deposits made under this section shall be stated by properly classified totals in all reports.

III. Exceptions to the requirements of paragraphs I or II may be granted on an annual basis only by the governor and council.

IV. The treasurer is authorized and directed to transfer money to the treasurer's account from the accounts of state departments or institutions required to make deposits under paragraph I in the most expeditious manner possible, including, but not limited to, electronic transfers and transfers by telephone.

4 Return of Checks; Increased Fee.

Amend RSA 6:11-a (supp) as inserted by 1977, 105:1 by striking out said section and inserting in place thereof the following:

6:11-a Return of Checks, Drafts and Money Orders; Fee.

I. Any check, draft or money order received by any state department or institution for the payment of a fee, license or product which is returned to the state department or institution as uncollectable may be returned to the sender and not deposited with the state treasurer. Whenever any check, draft or money order issued in payment of any fee or for any other purpose is returned to any state department or institution as uncollectable, the department or institution shall charge a minimum fee of \$10, plus all protest and bank fees, in addition to the amount of the check, draft or money order to the person presenting the check to the department or institution to cover the costs of collection.

II. A check, draft, money order received by any state department or institution for the payment of a fee, license or product may be returned to the sender and not deposited with the state treasurer and any application received by a state department or institution may be returned to the sender under any of the following circumstances:

(a) The amount of the check, draft or money order is incorrect.

(b) The application is required to be submitted with the payment of a fee and is not so submitted or is improperly or incorrectly submitted.

(c) A license applicant has not complied with one or more statutory requirements entitling him to make such application.

(d) The requested product is unavailable.

III. The department or institution may charge a fee, if appropriate, of at least \$10 plus all protest and bank fees, if any, to the person presenting an application, check, draft or money order which is unacceptable to a state department or institution, as provided in paragraph II.

5 New Chapter. Amend RSA by inserting after chapter 6-A the following new chapter:

#### CHAPTER 6-B INVESTMENT AND DEBT MANAGEMENT

6-B:1 Office of Investment and Debt Management. There is established within the state treasury an office of investment and debt management which shall be under the executive direction of a deputy treasurer appointed by the treasurer. The deputy treasurer shall be a person qualified by training and experience and shall serve at the pleasure of the treasurer.

6-B:2 Duties of Office. The office of investment and debt management shall, subject to any restrictions in RSA 6 and RSA 6-A, assist the treasurer in performing functions and duties as follows:

I. Analyze and manage short-term and long-term cash flow requirements.

II. Maximize the return on state investments, considering cash flow and liquidity requirements.

III. Coordinate and monitor cash needs for investment and debt activity.

IV. Develop a long-term debt plan, including criteria for the issuance of debt and an evaluation of how much total debt is justified.

V. Evaluate revenue projections for each proposed revenue bond issue and report findings to the governor and the capital budget overview committee.

VI. Advise the general court on all investment and debt matters, including, but not limited to, new bond issues, the status of state debt, and the status of state investments.

VII. Report quarterly or more often if required to the governor and council, the comptroller and the joint legislative fiscal committee the total amount of funds in the treasury, the amount belonging to each separate fund, a summary of the funds on deposit and the investments held, and the interest income earned thereon, and any information pertaining to the duties of his office he may think proper or the governor or legislature may require.

VIII. Perform all other functions of the state treasury relative to state investment and debt management, including, but not limited to, the making of debt service payments and the sale of bonds.

6-B:3 Notification of Proposed Bond Issues. Notwithstanding any other provisions of state law, for the purpose of coordinating state activity in the bond market, all entities created by New Hampshire law with authority to borrow shall provide the office of investment and debt management with notification of intent to enter the market at the earliest possible date, but on no less than 30 days' notice, and shall provide significant information regarding such issues, including, but not limited to, rating service actions, bond counsel opinions, rates bid and the rate secured. Agencies shall notify the office immediately of any default situation related to agency borrowing.

6 Sunset Provision. The office of investment and debt management shall terminate on July 1, 1989, as provided in RSA 17-C.

7 Subdivision Heading. Amend the subdivision heading preceding RSA 6:21 by striking out said heading and inserting in place thereof the following:

#### Deputy State Treasurers

8 Additional Deputy State Treasurer. Amend RSA 6:21 by striking out said section and inserting in place thereof the following:

6:21 Appointments; Removal. The state treasurer shall appoint 2 deputies who shall hold office while the treasurer remains in office unless sooner removed. The treasurer shall designate one deputy as chief deputy. The treasurer may remove either of them at pleasure, and the governor and council may remove either of the deputies for cause as they may remove the treasurer. A commissioner shall appoint deputies to hold office in like manner.

9 Oath; Bond. Amend RSA 6:22 by striking out said section and inserting in place thereof the following:

6:22 Oath; Bond. Before entering upon the duties of their offices, the deputy treasurers shall be sworn and shall be bonded in accordance with RSA 93-B in the amount of \$40,000 each with sufficient

sureties, conditioned on the faithful discharge of the duties of their offices. The bonds shall be filed and preserved in the office of the secretary of state.

10 Duties of Deputies. Amend RSA 6:23 by striking out said section and inserting in place thereof the following:

6:23 Duties. The chief deputy shall perform such duties as may be assigned to him by the treasurer, and during the absence or disability of the treasurer he shall perform all the duties of the office. The other deputy shall be in charge of the office of investment and debt management. He shall perform such other duties as may be assigned to him by the treasurer.

11 Salaries. Amend RSA 6:24 by striking out said section and inserting in place thereof the following:

6:24 Salaries. The annual salary of the chief deputy state treasurer and deputy state treasurer shall be that prescribed by RSA 94:1-4 for deputy state treasurers.

12 Salary Listing Amended. Amend RSA 94:1-a, I (supp) as inserted by 1975, 505:78 as amended by striking out in Group N the line "Deputy treasurer" and inserting in place thereof the following (Deputy treasurers).

13 Rulemaking. Amend RSA 6 by inserting after section 3 the following new section:

#### 6:3-a Rulemaking.

I. The state treasurer shall adopt rules, pursuant to RSA 541-A, relative to reports of abandoned property under RSA 471-A:12, II(e).

II. The state treasurer may adopt rules, pursuant to RSA 541-A, relative to the administration of RSA 471-A.

14 Information Cross Reference. Amend RSA 471-A:12, II(e) as inserted by 1965, 214:1 by striking out said subparagraph and inserting in place thereof the following:

(e) Such other information as the state treasurer may by rule require as provided in RSA 6:3-a, I.

15 Chapter Cross Reference. Amend RSA 471-A:26 as inserted by 1965, 214:1 by striking out said section and inserting in place thereof the following:

471-A:26 Rulemaking. As provided in RSA 6:3-a, II, the state treasurer may adopt rules necessary for the administration of this chapter.

16 Repeal. RSA 8:13, VIII, relative to the payment of moneys into the treasury by the director of accounts, is hereby repealed.

17 Effective Date. This act shall take effect upon its passage.

HB 106-FN, relative to sunset review of state treasury - trust funds. Ought to Pass. This bill reinstates the trust fund division of the State Treasury. Vote 13-0. Rep. Margaret A. Ramsay for Appropriations.

HB 107-FN, relative to sunset review of state treasury - special general fund distribution. Ought to Pass with Amendment. This bill reinstates the general fund distribution PAUs. The bill has been amended to include the debt service of the Department of Safety, Department of

Public Works and Highways, and the U.N.H. debt service. This reorganization was recommended by the Sunset Committee. Vote 12-0. Rep. Margaret A. Ramsay for Appropriations.

#### Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 New PAU Created in State Treasury.  
There is hereby created within the state treasury a new PAU, state treasury - debt service, PAU 011004. This PAU is created in order to consolidate, for budgetary purposes, the retirement and the servicing of the entire state debt within one PAU by eliminating the maintenance of separate debt service PAU's outside of the state treasury. This PAU shall include, but shall not be limited to the debt service included in PAU's:

- I. 011003, state treasury - special general fund distribution;
- II. 021607, department of safety - department debt service.
- III. 040407, department of public works and highways - department debt service.
- IV. 060705, higher education fund - U.N.H. debt service.

4 Effect of Enactment. Passage of this act shall not change the source of funding for the PAU's listed in section 3 of this act, and this source of funding shall remain as is budgeted. PAU 011004, state treasury - debt service, shall be reviewed in 1989, subject to RSA 17-G.

5 Effective Date. This act shall take effect upon its passage.

HB 108-FN, relative to sunset review of the safety department - state overhead charges. Ought to Pass.

This bill renews the state overhead charges to the Safety Department. Vote 15-0. Rep. Margaret A. Ramsay for Appropriations.

HB 109-FN, relative to sunset review of the safety department - department debt service. Inexpedient to Legislate.

The intent of this bill is addressed in HB 107-FN. Vote 17-0. Rep. Margaret A. Ramsay for Appropriations.

HB 110-FN, relative to sunset review of the department of public works and highways - debt service. Inexpedient to Legislate.  
The intent of this bill is addressed in HB 107-FN. Vote 17-0. Rep. Margaret A. Ramsay for Appropriations.

HB 111-FN, relative to sunset review of the higher education fund - U.N.H. debt service. Inexpedient to Legislate.  
The intent of this bill is handled in HB 107-FN. Vote 18-0. Rep. Margaret A. Ramsay for Appropriations.

HB 148-FN, placing the workmen's compensation review commission for state employees under the jurisdiction of the comptroller. Ought to Pass.

The Committee agreed with the amendment to the bill that puts the workmen's

compensation review commission under the Department of Administration and Control. Vote 16-0. Rep. Margaret A. Ramsay for Appropriations.

HB 128-FN, relative to sunset review of Keene state - board of education. Ought to Pass.

The program established under this PAU, having proved successful and of considerable value to the State of New Hampshire in providing qualified teachers in vocational education, is recommended for passage. Vote 19-0. Rep. Rita M. Brack for Education.

HB 216-FN, relative to appropriations for agriculture preservation and making an appropriation therefor. Ought to Pass.

To continue the program of purchasing the development rights of farmland, a further bonding of \$3 million is requested. This bill is in the best interest of the State of New Hampshire. Vote 17-0. Rep. Ralph W. Torr for Environment and Agriculture.

Referred to Appropriations.

HB 225-FN, relative to apple marketing. Ought to Pass with Amendment.

This would allow the apple producers of New Hampshire to develop a marketing order. This is enabling legislation only, leaving the decision to the producers, following a referendum vote. Vote 17-0. Rep. Eleanor H. Whittemore for Environment and Agriculture.

#### Amendment

Amend RSA 341-A:15, VIII as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

VIII. "Producer" means any person engaged within this state in the business of producing, or causing to be produced, for any market 500 bushels or more of apples.

Amend RSA 341-A:16, III as inserted by section 2 of the bill by striking out said paragraph and inserting in place thereof the following:

III. No marketing order under this subdivision may take effect unless and until the producers, through a referendum conducted by the commissioner, indicate its adoption is favored by:

Amend RSA 341-A:19, I as inserted by section 2 of the bill by striking out said paragraph and inserting in place thereof the following:

I. There shall be an advisory board consisting of 7 members. Six of the board members shall be producers and shall be appointed to the advisory board by the commissioner from nominations submitted to him by a nominating committee made up of 5 producers who are appointed by the New Hampshire Fruit Growers Association. One member who shall represent the general public, shall be a person who is neither a producer, distributor nor handler of apples. The member representing the general public shall be appointed by the governor and council.

Amend the subdivision of RSA 341-A as inserted by section 2 of the bill by inserting after 341-A:18 the following new section and by renumbering the original 341-A:19, 341-A:20 and 341-A:21 to read as 341-A:20, 341-A:21, and 341-A:22, respectively:

341-A:19 Gifts and Donations. The commissioner may accept grants, gifts and donations to further the purpose of any statewide marketing order. Such sums shall be deposited in the apple marketing account established by RSA 341-A:18.

HB 185, changing references in the law relating to solid waste and hazardous waste from the bureau of solid waste management to the division of public health services.

Ought to Pass with Amendment.

The bill eliminates statutory conflicts in the administration of hazardous waste management. The amendment changes references in the laws relating to solid waste and hazardous waste from the Bureau of Solid Waste Management to the Office of Waste Management. The Committee is deferring the philosophical question of the placement of hazardous waste authority in public health versus an environmental/resources oriented government entity until reorganization legislation is considered by the Executive Departments and Administration Committee. Vote 19-0. Rep. Charles F. Bass for Executive Departments and Administration.

#### Amendment

Amend the title of the bill by striking out the same and inserting in place thereof the following:

#### AN ACT

changing references in the laws relating to solid waste and hazardous waste from the bureau of solid waste management to the office of waste management.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Office of Waste Management. Amend RSA 147-A:1 (supp) as inserted by 1981, 413:2 by striking out said section and inserting in place thereof the following:

147-A:1 Office of Waste Management Established. There is hereby established the office of waste management in the division of public health services, department of health and welfare, which shall administer and enforce this chapter.

2 Office Defined. Amend RSA 147-A:2 by inserting after paragraph X the following new paragraph:

X-a. "Office" means the office of waste management, division of public health services, department of health and welfare.

3 Administration of Hazardous Waste Management Program by the Office of Waste Management. Amend the following sections and paragraphs of sections of RSA 147-A (supp) by striking out in them the word "bureau" and inserting in place thereof the

following (office): RSA 147-A:2, VII, (b); RSA 147-A:3, introductory paragraph and IX; RSA 147-A:4; RSA 147-A:5; RSA 147-A:6; RSA 147-A:7; RSA 147-A:9, II; RSA 147-A:11, I; RSA 147-A:12, I; RSA 147-A:13; RSA 147-A:14; RSA 147-A:15; RSA 147-A:16, I; RSA 147-A:17, I, (a); and RSA 147-A:18.

4 Office Defined. Amend RSA 147-B:2 by inserting after paragraph VIII the following new paragraph:

VIII-a. "Office" means the office of waste management, division of public health services, department of health and welfare.

5 Recommendation of Administrator. Amend RSA 147-B:5 (supp) as inserted by 1981, 413:3 by striking out in line 2 the words "chief of the bureau of solid waste management" and inserting in place thereof the following (administrator of the office) so that said section as amended shall read as follows:

147-B:5 Certification by Governor. The governor, upon the recommendation of the administrator of the office may certify that circumstances exist which require use of the fund when the treatment storage, transportation, or disposal of hazardous waste or hazardous materials may cause immediate or long-term danger to the environment or public health and welfare.

6 Administration of the Hazardous Waste Cleanup Fund by the Office of Waste Management. Amend the following sections and paragraphs of sections of RSA 147-B (supp) by striking out in them the word "bureau" and inserting in place thereof the following (office): RSA 147-B:2, VII, (b); RSA 147-B:3, II; RSA 147-B:4; RSA 147-B:6; RSA 147-B:7; RSA 147-B:8; RSA 147-B:9; RSA 147-B:10, III; and RSA 147-B:11, I.

7 Office Defined. Amend RSA 147-C:1 by inserting after paragraph VI the following new paragraph:

VII. "Office" means the office of waste management, division of public health services, department of health and welfare.

8 Administration of Hazardous Waste Facility Review by the Office of Waste Management. Amend the following sections and paragraphs of sections of RSA 147-C (supp) by striking out in them the word "bureau" and inserting in place thereof the following (office): RSA 147-C:1, VI, (b); RSA 147-C:2, I; RSA 147-C:4, I; and RSA 147-C:7, I and II.

9 Office Defined. Amend RSA 147-D:1 by inserting after paragraph VI the following new paragraph:

VI-a "Office" means the office of waste management, division of public health services, department of health and welfare.

10 Administration of Hazardous Waste Fees by the Office of Waste Management. Amend the following sections and paragraphs of sections of RSA 147-D (supp) by striking out in them the word "bureau" and inserting in place thereof the following (office): RSA 147-D:1, VI, (b); RSA 147-D:3, II; and RSA 147-D:4.

11 Administrator Defined. Amend RSA 149-M:1, I (supp) as inserted by 1982, 37:2 by striking out said paragraph and inserting in place thereof the following:



I. "Administrator" means the administrator of the office of waste management.

I-a. "Approved facility" means a facility with a valid permit from the office.

12 Office Defined. Amend RSA 149-M:1 by inserting after paragraph X the following new paragraph:

X-a. "Office" means the office of waste management, division of public health services, department of health and welfare.

13 Administration and Enforcement.

Amend RSA 149-M:2 (supp) as inserted by 1982, 37:2 by striking out said section and inserting in place thereof the following:

149-N:2 Administration and Enforcement.

I. The office of waste management shall administer and enforce this chapter. The office is hereby named as the state agency for planning for and regulating solid waste management.

II. The responsibility and authority vested in the office and the board under this chapter shall not affect the responsibilities and authority vested in the air resources agency or in the water supply and pollution control commission.

III. The administrator shall be the head of the office and shall be responsible for administering this chapter.

14 Meetings Called by Administrator. Amend RSA 149-M:6 (supp) as inserted by 1982, 37:2 by striking out in line 2 the word "chief" and inserting in place thereof the following (administrator) so that said section as amended shall read as follows:

149-M:6 Meetings. Meetings may be called by the chairman, the administrator, or any 4 members. The board shall meet at least quarterly. Members shall receive a minimum of 2 weeks' notice of a meeting. An emergency meeting may be called by the chairman and a majority of the members of the council, in which case the 2 week minimum notice shall not be required. If any member misses 3 consecutive meetings without reasonable cause, the board may, by the vote of 2/3 of all the members, declare the seat vacant.

15 Permit Renewal Date. Amend RSA 149-M:10, VI (supp) as inserted by 1982, 37:2 by striking out in line 4 the word "June" and inserting in place thereof the following (September) so that said paragraph as amended shall read as follows:

VI. All permits shall be continuous in duration, but may be suspended or revoked for cause as provided in this chapter. However, permits for transporting septage shall be effective for no longer than one year and must be renewed on or before September 30 of each year.

16 Administration of Solid Waste Management Program by the Office of Waste Management. Amend the following sections and paragraphs of sections of RSA 149-M (supp) by striking out in them the word "bureau" and inserting in place thereof the following (office): RSA 149-M:1, XII; RSA 149-M:3, introductory paragraph; RSA 149-M:4, 11; RSA 149-M:8, IV and VI; RSA 149-M:10; RSA 149-M:11; RSA 149-M:12, I; RSA 149-M:15; RSA 149-M:16, III; RSA 149-M:18, I and III; RSA 149-M:19, II and III; and RSA 149-M:20.

17 Transfers. The office of waste management, division of public health services, department of health and welfare, shall assume all the functions, powers, duties, personnel records and property of the bureau of solid waste management. Whenever reference is made to the bureau of solid waste management in the law, it shall from now forward be construed to mean the office of waste management, division of public health services, department of health and welfare.

18 Saving Clause. Any rule of the bureau of solid waste management adopted by its chief pursuant to RSA 541-A shall remain in full force and effect until and unless amended or rescinded as provided in RSA 541-A by the person to whom rulemaking power is transferred by this act.

19 Authority to Conform Laws.

I. The director of legislative services is hereby authorized, with the approval of the speaker of the house and the president of the senate, to make changes in the printed version of all laws enacted by the 1983 session of the general court that may be necessary for the purpose of conforming the language of such legislation to the language of this act, providing that no substantive changes may thereby be made. Such authority shall expire upon the printing of the 1983 session laws.

II. Subject to the approval of the speaker of the house and the president of the senate, the director of legislative services is hereby authorized to integrate within this act in the appropriate place for the session laws any solid waste or hazardous waste laws amended, repealed or inserted by other acts passed in the 1983 session of the general court, in sections of RSA 147, 147-A, 147-B, 147-C, 147-D, and 149-M which are amended or repealed by this act. No substantive changes may thereby be made; and such authority shall expire upon the printing of the 1983 session laws.

20 Repeal. The following are hereby repealed:

I. RSA 147-A:2, 1; RSA 147-B:2, 1; RSA 147-C:1, 1; RSA 147-D:1, 1; and RSA 149-M:1, III, relative to the definition of "bureau".

II. RSA 149-M:1, IV, relative to the definition of "chief".

III. RSA 147:45, relative to the state-wide solid waste management program.

21 Effective Date. This act shall take effect 60 days after its passage.

HB 194, requiring dentists to make a record of all dental work performed and to maintain such record for ten years. Ought to Pass with Amendment.

This bill, as amended, would require dentists to maintain records of all examinations and treatments on patients for purposes of forensic identification. These records would be maintained for seven years, which is compatible with the statute of limitations recognized by the courts in such matters. Vote 20-0. Rep. Dean Dexter for Executive Departments and Administration.

## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

requiring dentists to make a record of all dental work performed and to maintain such record for 7 years.

Amend the bill by striking out section 1 and inserting in place thereof the following:  
1 New Section. Amend RSA 317-A by inserting after section 27 the following new section:

317-A:27-a Dental Records. Any person who engages in the practice of dentistry shall make a record of all examinations and treatments performed for each patient. The record shall be made in such a manner and in sufficient detail that it may be used for identification purposes. Dental records required by this section shall be maintained for 7 years, or until 7 years after the age of majority of the patient, whichever is later.

HB 255-FN, relative to nonresident commercial salt water fishing licenses. Ought to Pass.

The Committee felt this was a fair way to deal with nonresident commercial fishing licenses. Vote 13-0. Rep. Laura Pantelakos for Fish and Game.

HB 325, relative to the use of snares in trapping. Inexpedient to Legislate.

The Committee felt it should not make an exception by permitting the use of snares for taking beaver neither under the surface of water nor under ice. Vote 14-0. Rep. Laura Pantelakos for Fish and Game.

HB 353, relative to muskrat houses. Inexpedient to Legislate.

The law, as presently written, is sufficient to the preservation of the muskrat. Vote 14-0. Rep. Laura Pantelakos for Fish and Game.

HB 220, allowing an exemption from attachable property for jewelry up to \$500 in value. Ought to Pass with Amendment.

The Committee feels that certain jewelry such as wedding rings should be exempt from attachment by creditors, but it also recognizes the debtor's responsibility to pay his obligations. The exemption has been limited to \$500. Vote 17-2. Rep. Donna P. Sytek for Judiciary.

## Amendment

Amend RSA 511:2, XVII as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

XVII. Jewelry owned by the debtor or his family to the value of \$500.

HB 256-FN, relative to bail commissioners' fees. Inexpedient to Legislate.

The Committee felt that the bail commissioner fees are adequate at the present time, having just been increased two years ago. Vote 15-0. Rep. Daniel A. Eaton for Judiciary.

HB 263, to eliminate the requirement of a witness on a mortgage discharge. Ought to Pass with Amendment.

The Committee considered the statutes on uniform acknowledgements and that, in New Hampshire, Justices of the Peace who are not required to have a seal, take acknowledgements to at least as much extent as Notaries. The bill, as amended allows acknowledgements in accordance with existing practice and sets out the statutorily authorized form of acknowledgement with a vote of 19-0. Rep. Frank J. Sylvia for Judiciary.

## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

providing for a short form of acknowledgment on self-proved wills.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Acknowledgement on Self-Proved Wills. Amend RSA 552:6-a (supp) as inserted by 1979, 292:1 by striking out said section and inserting in place thereof the following:

552:6-a Self-Proved Will. An attested will may at the time of its execution or at any subsequent date be made self-proved, by the acknowledgement thereof by the testator and the affidavits of the witnesses, each made before an officer authorized to administer oaths under the laws of this state, attached or annexed to the will in form and content substantially as follows:

State of.....  
County of.....  
The foregoing instrument was acknowledged before me this (date) by (name of persons acknowledged).

(Signature of Person Taking  
Acknowledgment)  
(Title or Rank)  
(Serial Number, if any)

2 Effective Date. This act shall take effect 60 days after its passage.

HB 364, relative to providing scheduled recertification elections for collective bargaining units. Inexpedient to Legislate.

The collective bargaining law provides adequate procedures for decertification of unions or associations. RSA 273-A:8 states "the employees can register discontent secretly." It also provides for other unions or associations to challenge existing units within specific periods of the expiration of contracts. It would be costly and disruptive and is not needed. Vote 17-0. Rep. Calvin Warburton for Labor, Human Resources and Rehabilitation.

HB 352-FN, to repeal the timber tax. Inexpedient to Legislate.

There is pending legislation forthcoming to correct many purported inequalities of present proposed HB 352. Vote 18-0. Rep. Paul A. Golden for Municipal and County Government.

HB 334, reclassifying the Pemigewasset river between the towns of Woodstock and Thornton and the East Branch Pemigewasset river between the towns of Lincoln and Woodstock. Ought to Pass.

The Committee applauds all those who participated in upgrading the Pemigewasset River. The Committee deplores the refusal of the Water Supply and Pollution Control Commission to exercise its rulemaking authority to accomplish the same result in house. The modern management policy underlying rulemaking is to reduce traditional involvement of the entire legislative process. Vote 16-0. Rep. Richardson Blair for Resources, Recreation and Development.

HB 235-FN, relative to emergency medical and psychiatric treatment for patients of state institutions and eligibility for admission to and care at Glencliff home for the elderly and making an appropriation therefor. Ought to Pass with Amendment.

This bill brings Glencliff under current regulations as they relate to emergency treatment at all state institutions. The Committee is unanimous that this bill ought to pass as amended. Vote 13-0. Rep. Henry F. Whitcomb for State Institutions.

#### Amendment

Amend the bill by striking out sections 1 and 2 and inserting in place thereof the following:

1 Emergency Treatment. Amend RSA 135:21-b (supp) as inserted by 1975, 219:1 as amended by striking out said section and inserting in place thereof the following:

135:21-b. Emergency Treatment. A physician licensed in the state or a person acting under his direction may administer a recognized and approved form of medical or psychiatric treatment which the physician reasonably believes will tend to promote the physical and mental health of a patient of the New Hampshire hospital, Laconia state school and training center, Glencliff home for the elderly, any community mental health or mental retardation program or treatment facility receiving state grants under RSA 126-B or RSA 171-A, or any other treatment facility designated as a receiving facility under RSA 135-B, when:

I. The physician reasonably believes that a medical or psychiatric emergency exists; and

II. The patient because of physical or mental condition is unable to make an informed decision, as defined in RSA 135-B:2, X, with respect to the medical or psychiatric treatment offered; and

III. No person who is legally responsible for the patient can be consulted or appointed; and

IV. A reasonable person would consent to the administration of the emergency treatment.

2 Purpose. Amend RSA 138-A:1 (supp) as inserted by 1970, 4:1 as amended by striking out said section and inserting in place thereof the following:

138-A:1 Declaration and Purpose. The purpose of this chapter is to establish a home for the elderly residents and former residents of New Hampshire hospital and other qualified elderly citizens in need of nursing care referred through the mental health system.

Amend the bill by striking out section 6 and inserting in place thereof the following:

6 Appropriation. The sum of \$162,205 is appropriated for the fiscal year ending June 30, 1984, and the sum of \$85,681 is appropriated for the fiscal year ending June 30, 1985, to the Glencliff home for the elderly for the purpose of establishing and maintaining at the Glencliff home for the elderly a unit for those residents requiring more closely supervised care. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

Referred to Appropriations.

HB 282-FN, relative to complete vehicle registration in cities and towns. Inexpedient to Legislate.

The Department of Safety is already implementing local registration in cities and towns. Testimony brought up problems with mandatory application and increase in costs indicated by fiscal note attached to the bill. Vote 14-0. Rep. Kenneth T. Wheeler, Sr. for Transportation.

#### COMMITTEE REPORTS (Regular Calendar)

HJR 1, requiring the advisory budget control committee to exempt funds for cities and towns from the 4% budget cut. Inexpedient to Legislate.

The Committee felt that the Governor's action, extending the deadline to December 15, 1983, eliminated the major objection of the cities and towns. Vote 13-5. Rep. William F. Kidder for Appropriations.

Rep. Spirou moved that the words, Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate, and spoke to his motion.

Reps. Kane and Kidder spoke against the motion and yielded to questions.

Rep. LaMott spoke against the motion.

Reps. Pannell, Daniell, Katsiaticas and Matson spoke in favor of the motion.

Rep. Krasker spoke in favor of the motion and yielded to questions.

Rep. Townsend moved the previous question. Sufficiently seconded. Adopted.

Question being on the substitute motion, Ought to Pass, a roll call was requested. Sufficiently seconded

(Speaker presiding)  
YEAS 181 NAYS 171  
YEAS 181

BELKNAP: Bolduc, Gary Dionne, Golden, Robert Hawkins and Randall.

CARROLL: None.

CHESHIRE: Barber, Boulter, Eugene Clark, Crane, Daniel Eaton, Hickey, Kennedy, Matson, David Meader, Michaelides, Parker, Perry, William Riley and William Sullivan.

COOS: Chappell, Coulombe, Guay, George Lemire, Pelletier, Theriault, Valliere and York.

CRAFTON: Blair, Chambers, Copenhaver, Croy, Densmore, Girouard, Harnish, Hutchings, Michael King, Wayne King and Stewart.

HILLSBOROUGH: Ahrams, Debora Ahern, Richard Ahern, Ahlgren, Baker, Bergeron, Brack, Burkush, Cote, Cronin, Crotty, Donovan, Drewniak, Dupont, Durant, Galway, Gelinas, Daniel Healy, Kaklamanos, Katsiaficas, Keefe, Evelyn King, Lamy, John Lawrence, Leclerc, Lefebvre, David Lemire, Roland Lemire, Levesque, Lynde, Lyons, McGlynn, Migneault, Morrisette, Nelson, Nickerson, O'Rourke, Parmenter, Pressly, Quinn, Raiche, Peter Ramsey, Reidy, Resch, Robie, Ellen-Ann Robinson, Roy, Leonard Smith, Soucy, Spirou, James Sullivan, Mary Sullivan, Talbot, Turgeon, Vachon, Wagner, Robert Wheeler, Winn and Zajdel.

MERRIMACK: Bardsley, Bowes, Cate, Chynoweth, Samuel Clark, Daniell, Degan, Jacobson, Maltais, Mercier, Pannell, Parrish, Louise Roberts, Walter Robinson, Savaria, Gerald R. Smith, Lawrence Sullivan, Trombly and Wallner.

ROCKINGHAM: Belanger, Beliveau, Blanchard, Butler, Carpenito, Cotton, Cressy, Ellyson, Thomas Gage, Hollingworth, John Hynes, Keenan, Glenden Kelley, Kozacka, Krasker, Leslie, LoFranco, Joseph MacDonald, McLane, William Moore, Newman, Pantelakos, Pevear, Popov, Rosencrantz, Sherburne, Sloan, Splaine and Warburton.

STRAFFORD: Appleby, Banks, Belhumeur, Bernard, Blouin, Chagnon, Chamberlin, Chisholm, Couture, Demers, Dingle, Albert Dionne, Donnelly, Fielding, Flynn, Grassie, Hennessey, Hussey, Joos, Kincaid, Lussier, Musler, Pelley, Arnold Peters, Francis Robinson, Schreiber, Gerald L. Smith, Timm, Ralph Torr and Whiting.

SULLIVAN: Brodeur, Carlson, Converse, D'Amante, Irwin and Paul Johnson.

NAYS 171

BELKNAP: Bastraw, Birch, Dexter, French, Hardy, Holbrook, Lamprey, Matthew Locke, Nighswander, Pearson, David Whittemore and Zeckhausen.

CARROLL: Ashnault, Chase, Dickinson, Heath, Robert Holmes, Hraha, Kenneth MacDonald, McIntire, Murphy and Powers.

CHESHIRE: Davis, Galloway, Gordon, Grodin, Elmer Johnson, Lane, Miller, Morse, Perkins, Margaret Ramsay and Scranton.

COOS: Harold Burns, Chardon, Horton, David King and Langley.

CRAFTON: Christy, Downing, Driscoll, Duggan, Easton, LaMott, Logan, Mann, McAvoy, Rounds, Taffe, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Bass, Bolan, Boutwell, John Burns, Leslie Burns, Carragher, Craig, Duffett, Duprey, Clyde Eaton, Joseph Eaton, Fields, Ford, Grasso, Grip, Harrington, George Hawkins, Head, Humphrey, Jean, Kashulines, Robert Kelley, Knight, Labomharde, Martineau, Howard Mason, Nute, Marjorie Peters, Russell, Sallada, Silva, B. P. Smith, Steiner, Sylvia, Van Loan, Ware, Geraldine Watson, Harold Watson, Wells, Emma Wheeler, Kenneth Wheeler, Eleanor Whittemore, M. Arnold Wight and Lucille Wood.

MERRIMACK: Allgeyer, Anderson, Bibbo, Laurent Boucher, Dean, Mary Holmes, Kidder, Kinhan, LaBranche, Arthur Locke, McDonnell, Nichols, Phelps, Doris Riley, William Roberts, Rogers, Shepard, Stark and Stio.

ROCKINGHAM: Ames, Bangs, Blaisdell, Blanchette, William Boucher, Burdick, Campbell, Case, Danderson, Day, Drake, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Greene, Gregorio, Kane, Katsakiores, Roger King, Longworth, Lovejoy, Mace, Malcolm, Robert Mason, Nevins, Newell, Palumbo, Parr, Quimby, Romoli, Scamman, Schmidtroen, Schwaner, Simon, Skinner, Sochalski, Stork, Sytek, Tavitian, Tufts, Vartanian, Walker, Webster and Woodward.

STRAFFORD: Bouchard, Robert Jones, Paul Meader and Franklin Torr.

SULLIVAN: Cutting, Gray, Ingram, Palmer and Townsend, and the motion was adopted.

Rep. Jean notified the Clerk that he inadvertently voted nay and meant to vote yea.

Rep. Spirou offered an amendment.

Amendment

Amend the resolution by striking out all after the resolving clause and inserting in place thereof the following:

Notwithstanding the action taken by the acting governor and the advisory budget control committee on January 4, 1983, there shall be no reduction in the amounts of state revenues or grants or aid to be returned to the cities and towns under the following:

1. Businessprofits tax, meals and rooms tax, interest and dividends tax, savings bank tax (PAU 01,10,03).



2. Flood control (PAU 01,09,01).
3. State aid grants - water supply and pollution control commission (PAU 03,05,01).
4. Building aid, foundation aid, child benefit grants (PAU 06,03,03).
5. School nutrition grants (PAU 06,03,22).
6. Special education (PAU 06,03,26).
7. Skill centers - tuition and transportation (PAU 06,03,21).
8. Driver education (PAU 02,16,03).

The Clerk read the amendment.

Rep. Spiro explained his amendment and yielded to questions.

Reps. Scamman and Townsend spoke against the amendment.

Rep. Rounds moved that further consideration of HJR 1 be laid upon the table.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)  
YEAS 186 NAYS 169  
YEAS 186

BELKNAP: Bastraw, Birch, Dexter, French, Hardy, Holbrook, Lamprey, Matthew Locke, Nighswander, Pearson, Randall, David Whittemore and Zeckhausen.

CARROLL: Ashnault, Chase, Dickinson, Heath, Robert Holmes, Hraba, Kenneth MacDonald, McIntire, Murphy and Powers.

CHESHIRE: Crane, Davis, Galloway, Gordon, Grodin, Elmer Johnson, Lane, Miller, Morse, Perkins, Margaret Ramsay and Scranton.

COOS: Harold Burns, Chappell, Chardon, Horton, David King, Langley and Valliere.

GRAFTON: Blair, Christy, Downing, Driscoll, Duggan, Easton, LaMott, Logan, Mann, McAvoy, Rounds, Taffe, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Bass, Bolan, Boutwell, John Burns, Leslie Burns, Carragher, Craig, Duffett, Duprey, Clyde Eaton, Joseph Eaton, Fields, Ford, Grasso, Grip, George Hawkins, Head, Humphrey, Jean, Kashulines, Keefe, Robert Kelley, Knight, Labombarde, Martineau, Howard Mason, Nickerson, Nute, Paradis, Marjorie Peters, Ellen-Ann Robinson, Russell, Sallada, Silva, B. P. Smith, Steiner, Sylvia, Van Loan, Ware, Geraldine Watson, Harold Watson, Wells, Emma Wheeler, Kenneth Wheeler, Eleanor Whittemore, M. Arnold Wight and Lucille Wood.

MERRIMACK: Allgeyer, Anderson, Bibbo, Laurent Boucher, Bowes, Cate, Dean, Mary Holmes, Kidder, LaBranche, Arthur Locke, McDonnell, Nichols, Phelps, Doris Riley, William Roberts, Rogers, Shepard, Stark and Stio.

ROCKINGHAM: Ames, Bangs, Blaisdell, William Boucher, Burdick, Campbell, Case, Danderson, Day, Drake, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Greene, Gregorio, Kane, Katsakiores, Roger King, Longworth,

Lovejoy, Mace, Malcolm, Robert Mason, William Moore, Nevins, Newell, Palumbo, Parr, Popov, Quimby, Romoli, Scamman, Schmidtschen, Schwaber, Simon, Skinner, Sochalski, Stork, Sytek, Tavitian, Tufts, Vartanian, Walker, Webster and Woodward.

STRAFFORD: Applehy, Bouchard, Chamberlin, Robert Jones, Paul Meader, Francis Robinson, Sackett, Franklin Torr and Whiting.

SULLIVAN: Cutting, Gray, Ingram, Palmer and Townsend.

NAYS 169

BELKNAP: Bolduc, Gary Dionne, Golden and Robert Hawkins.

CARROLL: None.

CHESHIRE: Barber, Boulter, Eugene Clark, Daniel Eaton, Hickey, Kennedy, Matson, David Meader, Michaelides, Parker, Perry, William Riley and William Sullivan.

COOS: Coulombe, Guay, George Lemire, Pelletier, Theriault and York.

GRAFTON: Chambers, Copenhaver, Crory, Densmore, Girouard, Harnish, Hutchings, Michael King, Wayne King and Stewart.

HILLSBOROUGH: Abrams, Debora Ahern, Richard Ahern, Ahlgren, Baker, Bergeron, Brack, Burkush, Charbonneau, Cote, Cronin, Crotty, Donovan, Drewniak, Dupont, Durant, Galway, Gelinas, Harrington, Daniel Healy, Kalamanos, Katsiaficas, Evelyn King, Lamy, John Lawrence, Leclerc, Lefebvre, David Lemire, Roland Lemire, Levesque, Lynde, Lyons, McGlynn, Migneault, Morrisette, Nelson, O'Rourke, Parmenter, Pressly, Quinn, Raiche, Peter Ramsey, Reidy, Resch, Robie, Roy, Leonard Smith, Soucy, Spiro, James Sullivan, Mary Sullivan, Talbot, Turgeon, Vachon, Wagner, Robert Wheeler, Winn and Zajdel.

MERRIMACK: Bardsley, Chynoweth, Samuel Clark, Daniell, Degnan, Jacobson, Kinhan, Maltais, Mercier, Pannell, Parrish, Louise Roberts, Walter Robinson, Savaria, Gerald R. Smith, Lawrence Sullivan, Trombly and Wallner.

ROCKINGHAM: Belanger, Beliveau, Blanchard, Blanchette, Butler, Carpenito, Cotton, Cressy, Ellyson, Thomas Gage, Hollingworth, John Hynes, Keenan, Glenden Kelley, Kozacka, Krasker, Leslie, LoFranco, Joseph MacDonald, McLane, Newman, Pantelakos, Pevear, Rosencrantz, Sherburne, Sloan, Splaine and Warburton.

STRAFFORD: Banks, Belhumeur, Bernard, Blouin, Chagnon, Chisholm, Couture, Demers, Dingle, Albert Dionne, Donnelly, Fielding, Flynn, Grassie, Hennessey, Hussey, Joos, Kincaid, Lussier, Musler, Pelley, Arnold Peters, Schreiber, Gerald L. Smith, Timm and Ralph Torr.

SULLIVAN: Brodeur, Carlson, Converse, D'Amante, Irwin and Paul Johnson, and the motion was adopted.

HJR 1 was laid upon the table.

CACR 7, relating to power of the general court to impose and levy assessments, rates and taxes. Providing that said assessments, rates and taxes may be imposed on a graduated scale. Inexpedient to Legislate.

A graduated tax would fail to encourage individual achievement and would fail to continue the present economic advantage enjoyed by New Hampshire. Vote 10-0.

Rep. Peter F. Wells, Sr. for Constitutional Revision.

Rep. William Riley moved that the words, Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate, and spoke to his motion.

Reps. Wells and Joseph Eaton spoke against the motion.

Rep. Ahrens spoke in favor of the motion.

Rep. Russell moved the previous question. Sufficiently seconded. Adopted.

Question being on the substitute motion, Ought to Pass.

(Speaker presiding)

YEAS 103 NAYS 236  
YEAS 103

BELKNAP: Bolduc, Gary Dionne, Lamprey and Zeckhausen.

CARROLL: None.

CHESHIRE: Barber, Boulter, Gordon, Hickey, Kennedy, Matson, David Meader, Michaelides, Miller, Parker, Perry, Margaret Ramsay, William Riley, Scranton and William Sullivan.

COOS: Chappell and Pelletier.

GRAFTON: Blair, Chambers, Copenhaver, Crory, Densmore, Cirouard, Hutchings, Michael King, Wayne King, Stewart and Taffe.

HILLSBOROUGH: Richard Ahern, Ahlgren, Ahrens, Bergeron, Burkush, Cote, Harrington, Katsiaticas, John Lawrence, Lynde, Lyons, McGlynn, Nelson, O'Rourke, Marjorie Peters, Pressly, Quinn, Raiche, Resch, Leonard Smith, Soucy, Geraldine Watson, M. Arnold Wight and Lucille Wood.

MERRIMACK: Anderson, Bardsley, Chynoweth, Samuel Clark, Daniell, Degnan, Jacobson, Kinhan, Pannell, Walter Robinson, Gerald R. Smith and Wallner.

ROCKINGHAM: Belanger, Campbell, Case, Cotton, Cressy, Thomas Gage, Hollingworth, Kozacka, Krasker, Leslie, McLane, Newman, Pantelakos, Pevear, Popov, Quimby, Rosencrantz, Splaine, Warburton and Woodward.

STRAFFORD: Banks, Bernard, Demers, Donnelly, Grassie, Hennessey, Joos, Francis Robinson, Sackett, Schreiber, Gerald L. Smith and Timm.

SULLIVAN: Converse, Irwin and Paul Johnson.

NAYS 236

BELKNAP: Bastraw, Birch, Dexter, French, Golden, Hardy, Robert Hawkins, Holbrook, Matthew Locke, Pearson, Randall and David Whittemore.

CARROLL: Ashnault, Dickinson, Heath, Robert Holmes, Kenneth MacDonald, McIntire, Murphy and Powers.

CHESHIRE: Eugene Clark, Crane, Davis, Daniel Eaton, Galloway, Grodin, Elmer Johnson, Lane, Morse and Perkins.

COOS: Harold Burns, Chardon, Coulombe, Guay, Horton, David King, Langley, George Lemire, Theriault, Valliere and York.

GRAFTON: Christy, Downing, Driscoll, Duggan, Easton, Harnish, Logan, Mann, McAvoy, Rounds, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Abrams, Debora Ahern, Bolan, Boutwell, John Burns, Leslie Burns, Carragher, Charbonneau, Craig, Cronin, Crotty, Donovan, Drewniak, Duffett, Dupont, Duprey, Durant, Clyde Eaton, Joseph Eaton, Fields, Ford, Galway, Grasso, Grip, George Hawkins, Head, Daniel Healy, Humphrey, Jean, Kalamanos, Kashulines, Keefe, Robert Kelley, Evelyn King, Knight, Labombarde, Leclerc, Lefebvre, David Lemire, Roland Lemire, Levesque, Martineau, Howard Mason, Migneault, Morrissette, Nickerson, Nute, Parmenter, Peter Ramsey, Robie, Ellen-Ann Robinson, Roy, Russell, Sallada, Silva, B. P. Smith, Spiro, Steiner, James Sullivan, Mary Sullivan, Sylvia, Talbot, Turgeon, Vachon, Van Loan, Wagner, Ware, Harold Watson, Wells, Emma Wheeler, Kenneth Wheeler, Robert Wheeler, Eleanor Whittemore, Winn and Zajdel.

MERRIMACK: Allgeyer, Bibbo, Laurent Boucher, Bowes, Cate, Dean, Mary Holmes, Kidder, LaBranche, Arthur Locke, Maltais, McDonnell, Mercier, Nichols, Parrish, Phelps, Louise Roberts, William Roberts, Rogers, Savaria, Shepard, Stark, Stio and Lawrence Sullivan.

ROCKINGHAM: Ames, Bangs, Beliveau, Blaisdell, Blanchard, Blanchette, William Boucher, Burdick, Butler, Carpenito, Danderson, Day, Drake, Ellyson, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Gregorio, John Hynes, Kane, Katsakiores, Keenan, Glenden Kelley, Roger King, LoFranco, Longworth, Lovejoy, Joseph MacDonald, Mace, Malcolm, Robert Mason, William Moore, Newell, Palumbo, Parr, Romoli, Scamman, Schmidtchen, Schwaner, Sherburne, Simon, Skinner, Sloan, Sochalski, Stork, Sytek, Tavitian, Tufts, Vartanian, Walker and Webster.

STRAFFORD: Appleby, Belhumeur, Blouin, Bouchard, Chagnon, Chisholm, Couture, Dingle, Albert Dionne, Fielding, Flynn, Hussey, Robert Jones, Kincaid, Lussier, Paul Meader, Musler, Pelley, Arnold Peters, Franklin Torr, Ralph Torr and Whiting.

SULLIVAN: Brodeur, Carlson, Cutting, D'Amante, Gray, Ingram, Palmer and Townsend, and the motion lost lacking the constitutionally requirement of three-fifths of the membership.

Rep. Soucy notified the Clerk that he inadvertently voted yea and meant to vote nay.

Question being on the Committee report, Inexpedient to Legislate.

Report adopted.

CACR 8, relating to county attorneys. Providing that said attorneys be appointed by the county commissioners in each county. Inexpedient to Legislate.

The Committee feels taking the voting privilege from up to 10,000 people and giving it to 3 people is unwise and moves government even further from the people. It further felt the potential for political patronage would be increased. Vote 10-0. Rep. Joseph F. Duggan for Constitutional Revision.

Report adopted.

HB 127-FN, relative to sunset review of the higher education fund - U.N.H. system administration. Ought to Pass with Amendment.

The Committee feels that the University of New Hampshire, Plymouth and Keene State Colleges, Merrimack Valley College and the School for Lifelong Learning should continue to operate as a well-coordinated system of public higher education rather than as totally separate institutions. HB 127-FN continues the position of chancellor to facilitate coordination, provide educational leadership, and serve as chief spokesman for the university system. The amendment clarifies the relationship between the component institutions and the chancellor's office, stressing the need for maximum campus autonomy in order to serve the educational needs of the people of New Hampshire. It requires that budget transfers between PAUs be reported annually to the legislative Fiscal Committee, and makes minor changes in the University System Study Committee. The amendment also adds a section on legislative oversight. Vote 16-1. Rep. Betty Jo Taffe for Education.

#### Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 University System of New Hampshire. Amend RSA 187-A:1 (supp) as inserted by 1981, 331:1 by striking out said section and inserting in place thereof the following:

187-A:1 The University System of New Hampshire. The university system of New Hampshire is established and made a body politic and corporate, the main purpose of which shall be to provide a well coordinated system of public higher education offering liberal undergraduate education encompassing the major branches of learning, emphasizing our cultural heritage, and cultivating the skills of reasoning and communication. The

university system shall provide for professional and technical 2-year, 4-year and graduate programs which serve the needs of the state and the nation; for research which contributes to the welfare of mankind, to the development of the faculty, and to the educational experience of students; and for its faculty and staff to bring educational resources and professional experience to the benefit of the state and its people. The university system of New Hampshire is authorized to grant and confer in the name of the university system of New Hampshire all such degrees, literary titles, honors and distinctions as other universities may of right do.

4 New Sections. Amend RSA 187-A by inserting after section 2 the following new sections:

187-A:2-a Governance. The university system shall be governed by a single board of trustees who shall be responsible for ensuring that its components, each having a unique character and educational mission, operate as a well coordinated system of public higher education.

187-A:2-b Legislative Oversight.

I. The general court finds that because of the importance of public higher education, elected officials should be aware of the activities and needs of the university system, exercising their responsibility for legislative oversight through (1) the consideration by the appropriate legislative committees of proposed legislation pertaining to the university system; (2) activities of the university system study committee established pursuant to RSA 187-A:26; (3) the sunset review process adopted pursuant to RSA 17-G; and (4) the consideration of reports filed by the university system pursuant to RSA 187-A:16 and 187-A:22.

II. The general court also recognizes the need to protect the institutions of the university system from inappropriate external influence which might threaten the academic freedom of faculty members or otherwise inhibit the pursuit of academic excellence. To this end, the general court has delegated broad authority to the board of trustees who shall be responsible for managing the university system in a manner which promotes academic excellence and serves the educational needs of the people of New Hampshire.

5 Membership. Amend RSA 187-A:13, IV (supp) as inserted by 1981, 331:1 by striking out said paragraph and inserting in place thereof the following:

IV. Four members elected by the alumni of the university of New Hampshire;

6 Authority. Amend RSA 187-A:16 (supp) as inserted by 1981, 331:1 by striking out said section and inserting in place thereof the following:

187-A:16 Authority of the Trustees.

The trustees shall have the management and control of all the property and affairs of the university system of New Hampshire, the university of New Hampshire (including the New Hampshire college of agriculture and the mechanic arts), and all its divisions and departments, the Keene state college, the Plymouth state college, the Merrimack Valley

college, and the university system school for lifelong learning. They shall not change the name of the Plymouth state college or of the Keene state college, nor shall they cease operating these colleges or the Merrimack Valley college without legislative authority. It is the intent of the general court that the trustees, when exercising their responsibilities under this chapter, recognize and foster the unique character and educational mission of each institution of the system. To this end, the institutions are to be permitted to operate with the highest measure of autonomy and self-governance, subject to the supervision of the board of trustees. In addition to this general authority, the trustees are authorized to:

I. Appoint and fix the compensation of a president of the university of New Hampshire, a president of Keene state college, a president of Plymouth state college, a dean of Merrimack Valley college and a dean of the university system school for lifelong learning, who shall be the chief academic and administrative officers of their respective institutions. The chief executive officer of each institution shall have the authority for and be responsible for the general administration and supervision of all aspects of the instructional, research and service programs of that institution.

II. Appoint and fix the compensation and duties of the administrative officers of each component institution of the university system.

III. Appoint and fix the compensation of a chancellor of the university system who shall serve as the chief executive officer of the university system, as the university system's primary liaison with the general court and other elements of state government, and as chief spokesman for the university system. The chancellor shall serve as chairman of the administrative board of the university system, leading and coordinating the efforts of the chief officers of the component institutions of the university system, and shall have such other duties as the board of trustees may determine.

IV. Establish an administrative board, comprised of the chief executive officers of each component institution together with the chancellor of the university system, which shall be the coordinating body for the university system. The board is responsible for recommending and implementing policies and procedures which assist the campus presidents in discharging their responsibilities in such a manner as to provide for maximum institutional initiative and responsibility within a unified university organization.

V. Appoint and fix the compensation and duties of such other university system administrators as are needed to provide a well coordinated system of public higher education. These system administrators shall provide assistance needed by the component institutions in order to fulfill their individual educational missions and shall provide

services which facilitate coordination in order to serve the educational needs of the people of New Hampshire.

VI. Appoint a faculty of instruction, prescribe their duties, and invest them with such powers for the immediate government and management of each institution as the trustees may deem conducive to the best interests of each institution and the university system.

VII. Accept legacies and other gifts to or for the benefit of the university or any of its divisions or departments.

VIII. Accept all moneys accruing to the institutions of the university system, all moneys appropriated by or received from the government of the United States or the state of New Hampshire, all dividends and interest accruing to these institutions, all gifts of securities and property, real and otherwise, all grants and matching funds from any source, and all monies from sales, tuition fees, admissions and guarantees and from bills receivable.

IX. Acquire water by purchase, development or otherwise and to construct reservoirs or water towers, erect pumping machinery, lay water mains and pipes, install gates, valves and hydrants.

X. Furnish and sell water in the town of Durham to manufacturers, private corporations and individuals for fire protection, manufacturing and domestic use, and collect payment or rentals for the same.

XI. Construct and maintain sewers, culverts, conduits and pipes, with all necessary inlets and appliances for surface, under surface and sewage drainage for the health, comfort and convenience of the inhabitants and the sanitary improvement of the town of Durham, and fix and regulate the price of connection therewith to corporations, firms and individuals.

XII. Enter into agreements and contract with other colleges and universities for the purpose of further education of any qualified New Hampshire student in fields of study not provided for in the curricula of the university system or any of its divisions or component institutions.

XIII. Contract with any city or town in this state for the maintenance of practice schools therein in connection with its teacher-trainees and to provide for the payment of such portion of the compensation of the supervising teachers employed in said practice schools as it may deem just and equitable.

XIV. Authorize the retention by Keene state college, Plymouth state college or the Merrimack Valley college of the income received and due from all sources, including bequests, trusts, student fees and tuition charges, rents, sales and any other income from whatever source derived, and to authorize the use thereof in such manner as the trustees may determine or as may be provided by law or by the conditions incident to the trusts, gifts and bequests involved.

XV. Transfer funds among the institutions of the university system, and their divisions and departments, when such



action shall appear necessary and in the best interests of the state and the institutions of the university system.

The university system shall report the amount and purpose of all transfers of funds from one program appropriation unit of the budget to a different program appropriation unit to the legislative fiscal committee of the general court by November 1 of each year. Copies of such reports shall be sent to the house education committee and the senate education committee.

XVI. Employ such other persons as may be necessary to carry out the purposes for which the university system and any of its divisions or component institutions have been created and to prescribe their duties.

XVII. By and with the consent of the governor and council, borrow on the credit of the university system in anticipation of income, for the purpose of forwarding its building program, not exceeding \$500,000 in any one fiscal year. All amounts so obtained in any fiscal year shall be repaid from the income of the next succeeding fiscal year.

XVIII. Establish a differential in the rate of tuition to be charged all in-state and out-of-state students based on the dual legislative policy of:

(a) Limiting the number of out-of-state students who may attend the university system; and

(b) Giving due weight to the fact that the support of the university system is substantially dependent upon legislative appropriations derived from revenue contributed by persons domiciled within the state of New Hampshire.

XIX. Adopt rules pursuant to RSA 541-A establishing criteria for determining whether students shall be classified as in-state students or out-of-state students for tuition purposes, and to delegate the administration of such rules to a subcommittee or agent. Any student in the university system who is aggrieved by a final determination of the board of trustees or of any subcommittee or agent of the board denying him in-state status for tuition purposes may appeal to the superior court in the county in which the particular division of the university involved is located. Such appeal shall be filed within 30 days after the final determination by the board of trustees. In the superior court, the burden of proof shall be on the appellant to show that the determination of the board of trustees is unreasonable or unlawful and all findings by the board or its properly designated subcommittee or agent shall be deemed to be prima facie lawful and reasonable. The determination of the board of trustees shall be set aside only if, on all the evidence, the court is satisfied that it is unlawful or unreasonable according to the policy as set forth in this section, and additional criteria as may be established and published, to the student bodies of the institutions constituting the university system by the board of trustees.

XX. Enter into agreements with appropriate agencies and institutions of higher education in other states and foreign countries providing for the reciprocal

exchange of students. Such agreement may include provisions for waiver or reduction of out-of-state tuition rates for designated categories of students and may include contractual payments to such out-of-state institutions within the availability of appropriations. The board shall have the power to make such agreements on a continuing basis with mutual credits and offsets which need not be balanced in any given year. One purpose to be accomplished thereby shall be to make available to in-state students of the university system educational facilities not available within the state of New Hampshire in exchange for acceptance by the university system of out-of-state students from jurisdictions where such facilities are made available for New Hampshire students.

XXI. Acquire fire, theft, casualty and vandalism insurance to cover donated property, real and personal, notwithstanding the provisions of RSA 9:27 to the contrary.

7 Report. Amend RSA 187-A:22 (supp) as inserted by 1981, 331:1 by striking out said section and inserting in place thereof the following:

187-A:22 Report. The trustees shall file with the governor and council, by November 1 of each year, a report of the operations, progress and financial condition of the university system and its constituent institutions. They shall include in the report an account of improvements made. One copy thereof shall be transmitted to each college endowed under the act of congress cited in RSA 187-A:5, I; one copy to the secretary of the interior; one copy to the legislative fiscal committee; one copy to the house education committee and one copy to the senate education committee.

8 Study Committee. Amend RSA 187-A:26 (supp) as inserted by 1981, 331:1 by striking out said section and inserting in place thereof the following:

187-A:26 University System Study Committee. A permanent study committee of 8 members is hereby established to examine the goals, purposes, organization and financing of the university system of New Hampshire and to evaluate and make recommendations on the university of New Hampshire, Keene state college, Plymouth state college and Merrimack Valley college, and the school for lifelong learning.

9 New Section; Membership. Amend RSA 187-A by inserting after section 26 the following new section:

187-A:26-a Membership. The committee shall be appointed as follows: 3 senators, including the chairman of the senate education committee and a member of the senate finance committee, by the president of the senate; 5 representatives, including the chairman and at least 2 other members of the house education committee and a member of the house appropriations committee, by the speaker of the house of representatives. The chair of the study committee shall rotate biennially between the chairman of the house education committee and the chairman of the senate education committee. A member shall only serve while he is a member of the general court. The members shall not be entitled to

any salary but are entitled to reimbursement for mileage and other expenses incurred in carrying out their duties. The committee may hire necessary consultants, professional or clerical personnel.

10 New Paragraph: Sunset Review. Amend RSA 187-A:27 by inserting after paragraph II the following new paragraph:

III. Whenever the university system is scheduled for sunset review according to RSA 17-G, the members of the university system study committee shall work in cooperation with the house and senate committees as they participate in the sunset process during the year preceding the legislative session in which the university system is scheduled for review.

11 Report; Sunset Review. Amend RSA 187-A:28 (supp) as inserted by 1981, 331:1 by striking out said section and inserting in place thereof the following:

187-A:28 Report and Recommendations. The committee shall submit a report to the general court by January 15 of each odd-numbered year, except when the university system is scheduled for sunset review pursuant to RSA 17-G. Copies of the report shall be submitted to the governor and council, each member of the senate and the house of representatives, the board of trustees of the university system, and to any other individual or organization as the committee deems advisable.

12 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

HB 277-FN, providing funds for 6 additional state troopers and equipment for state police and fire marshal for hazardous materials and waste enforcement and emergency response. Ought to Pass.

At the present time there are only two state troopers trained and equipped to respond to any spill of hazardous material on our roadways. Vote 15-4. Rep. Eleanor M. Anderson for Environment and Agriculture.

Referred to Appropriations.

HB 229-FN, relative to hunting and fishing guides and license fees pertaining thereto. Ought to Pass.

The Committee felt this was a fair increase in resident and nonresident guide license fees. Vote 8-4. Rep. Laura Pantelakos for Fish and Game.

Ordered to third reading.

HB 223-FN, relative to communicable disease laboratory support services and making an appropriation therefor. Ought to Pass.

This bill will allow the Division of Public Health to establish a much needed communicable disease laboratory to identify and prevent spreading of disease in the state. Vote 19-0. Rep. Emma B. Wheeler for Health and Welfare.

Referred to Appropriations.

HB 237, relative to employment termination. Ought to Pass.

This measure would require an employer to give written notice to an employee when he is terminated. Such is the established policy in many of the state's larger employers. It merely gives an employee the right if he so chooses to request in writing that he would desire a written statement to the cause of his termination. Vote 11-5. Rep. Avis B. Nichols for Labor, Human Resources and Rehabilitation.

Ordered to third reading.

HB 236, providing special registration plates for members of the national guard and judiciary. Ought to Pass with Amendment.

Testimony relative to the work done by the judiciary, the elected constitutional officers and the National Guard in a great variety of areas convinced a majority of the Committee that the request made in this bill is deserving and should be granted. Under provisions of the bill there will be no fiscal impact upon the state. Vote 12-4. Rep. Edward J. Crotty for Transportation.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

providing special registration plates for members of the national guard and judiciary, and for the secretary of state and state treasurer.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Special Plates for Justices, Members of the National Guard, the Secretary of State and the Treasurer. Amend RSA 261:91 as inserted by 1981, 146:1 by inserting in line 7 after the words "deputy sheriffs" the following (, members of the national guard, justices of the supreme and superior courts, the secretary of state and his deputy, the state treasurer and his deputy) so that said section as amended shall read as follows:

261:91 Special Number Plates. Upon payment of the motor vehicle registration fee, if any, the director may issue a special plate, to be designated by him, to be affixed to the vehicle of the governor, the members of the governor's council, president of the senate, members of the senate, speaker of the house of representatives, members of the house of representatives, the attorney general and his deputy, county sheriffs, deputy sheriffs, members of the national guard, justices of the supreme and superior courts, the secretary of state and his deputy, the state treasurer and his deputy, and vehicles of state police and motor vehicle divisions. Said special plates shall be issued at no cost to the state other than those plates furnished to the governor, the

members of the governor's council, the president of the senate, speaker of the house of representatives, state police and motor vehicle divisions. The director shall not issue to a member of the general court more than 2 sets of special plates. Such special plates for members of the general court may be attached only to vehicles registered in the name of a member of the general court or his spouse or to any vehicle while being operated by such member.

2 State Seal on Plates of Secretary of State and Treasurer. Amend RSA 261:90 as inserted by 1981, 146:1 by striking out said section and inserting in place thereof the following:

261:90 State Seal on Number Plates. On the special number plates issued under the provisions of RSA 261:91 to members of the senate and members of the house of representatives there shall be a reproduction of the seal of the state. If requested, United States senators from this state, representatives to Congress from this state, the governor, members of the governor's council, president of the senate, speaker of the house of representatives, secretary of state, and state treasurer may have special motor vehicle plates with the reproduction of the state seal thereon. The fee for such special number plates shall be \$1 in addition to any other number plate manufacturing fee otherwise required. The plates with the reproduction of the state seal, exclusive of the seal, shall be white with green lettering, which shall alternate with red lettering every other biennium. Said special plates shall be effective for a period of 2 years. Nothing herein shall be construed as affecting the issuance of regular motor vehicle plates and the payment of the registration fee therefor.

3 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 90, relative to improvements to the central New Hampshire turnpike and making an appropriation therefor. Ought to Pass.

The Committee felt this new exit would alleviate the bottleneck created by industrial growth in the area and make the possibility of further growth more likely. Vote 21-0. Rep. William F. Kidder for Appropriations.

Rep. Daniell moved that the words, Inexpedient to Legislate, be substituted for the Committee report, Ought to Pass, spoke to his motion and yielded to questions.

Reps. Bibbo, Watson and LaMott spoke against the motion.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 16 NAYS 331

YEAS 16

BELKNAP: Matthew Locke.

CARROLL: None.

CHESHIRE: Michaelides.

COOS: Theriault and Valliere.

GRAFTON: None.

HILLSBOROUGH: Abrams, Bergeron, Leclerc and Mary Sullivan.

MERRIMACK: Chynoweth, Daniell and Louise Roberts.

ROCKINGHAM: Cressy, McLane and Rosencrantz.

STRAFFORD: Schreiber.

SULLIVAN: Converse.

NAYS 331

BELKNAP: Bastraw, Birch, Bolduc, Dexter, Gary Dionne, French, Golden, Hardy, Robert Hawkins, Holbrook, Lamprey, Nighswander, Pearson, Randall, David Whittemore and Zeckhausen.

CARROLL: Ashnault, Chase, Dickinson, Heath, Robert Holmes, Hraba, Kenneth MacDonald, McIntire, Murphy and Powers.

CHESHIRE: Barber, Boulter, Eugene Clark, Crane, Davis, Daniel Eaton, Galloway, Gordon, Grodin, Hickey, Elmer Johnson, Kennedy, Lane, Matson, David Meader, Miller, Morse, Parker, Perkins, Perry, Margaret Ramsay, William Riley, Scranton and William Sullivan.

COOS: Harold Burns, Chappell, Chardon, Coulombe, Guay, Horton, David King, Langley, George Lemire, Pelletier and York.

GRAFTON: Blair, Chambers, Christy, Copenhaver, Crory, Densmore, Downing, Driscoll, Duggan, Easton, Girouard, Harnish, Hutchings, Wayne King, LaMott, Logan, Mann, McAvoy, Rounds, Stewart, Taffe, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Debora Ahern, Richard Ahern, Ahlgren, Ahrens, Bass, Bolan, Boutwell, Burkush, John Burns, Leslie Burns, Carragher, Charbonneau, Cote, Craig, Cronin, Crotty, Donovan, Dreniak, Duffett, Dupont, Duprey, Durant, Clyde Eaton, Joseph Eaton, Fields, Ford, Galway, Grasso, Grip, Harrington, George Hawkins, Head, Daniel Healy, Humphrey, Jean, Kaklamanos, Kashulines, Katsiaficas, Keefe, Robert Kelley, Evelyn King, Knight, Labombarde, Lamy, John Lawrence, Lefebvre, David Lemire, Roland Lemire, Levesque, Lynde, Lyons, Martineau, Howard Mason, McGlynn, Migneault, Morrisette, Nelson, Nickerson, Nute, O'Rourke, Paradis, Parmenter, Marjorie Peters, Pressly, Quinn, Raiche, Peter Ramsey, Reidy, Resch, Robie, Ellen-Ann Robinson, Roy, Russell, Sallada, Silva, B. P. Smith, Leonard Smith, Soucy, Spirou, Steiner, James Sullivan, Sylvia, Talbot, Turgeon, Vachon, Van Loan, Wagner, Ware, Geraldine Watson, Harold Watson, Wells, Emma Wheeler, Kenneth Wheeler, Robert Wheeler, Eleanor Whittemore, M. Arnold Wight, Winn, Lucille Wood and Zajdel.

MERRIMACK: Allgeyer, Anderson, Bardsley, Bibbo, Laurent Boucher, Bowes, Cate, Samuel Clark, Dean, Degnan, Mary Holmes, Jacobson, Kidder, Kinhan, LaBranche, Arthur Locke, Maltais, McDonnell, Mercier, Nichols, Pannell, Parrish, Phelps, Doris Riley, William Roberts, Walter Robinson, Rogers, Savaria, Shepard, Gerald R. Smith, Stark, Stio, Lawrence Sullivan and Wallner.

ROCKINGHAM: Ames, Bangs, Belanger, Beliveau, Benton, Blaisdell, Blanchard, Blanchette, William Boucher, Burdick, Butler, Carpenito, Case, Cotton, Danderson, Day, Drake, Ellyson, Flanagan, Harry Flanders, John Flanders, Thomas Gage, Greene, Gregorio, Hollingworth, John Hynes, Kane, Katsakiores, Keenan, Glenden Kelley, Roger King, Kozacka, Leslie, LoFranco, Longworth, Lovejoy, Joseph MacDonald, Mace, Malcolm, Robert Mason, William Moore, Newell, Newman, Palumbo, Pantelakos, Parr, Pevear, Popov, Quimby, Romoli, Scamman, Schmidtchen, Schwaner, Sherburne, Simon, Skinner, Sloan, Sochalski, Splaine, Stork, Sytek, Tavitian, Tufts, Vartanian, Walker, Warburton, Webster and Woodward.

STRAFFORD: Appleby, Banks, Belhumeur, Bernard, Blouin, Bouchard, Chagnon, Chamberlin, Chisholm, Couture, Demers, Dingle, Albert Dionne, Donnelly, Fielding Flynn, Grassie, Hennessey, Hussey, Robert Jones, Joos, Kincaid, Lussier, Paul Meader, Musler, Pelley, Arnold Peters, Francis Robinson, Sackett, Gerald L. Smith, Timm, Franklin Torr, Ralph Torr and Whiting.

SULLIVAN: Brodeur, Carlson, Cutting, D'Amante, Gray, Ingram, Irwin, Paul Johnson, Palmer and Townsend, and the motion lost.

Question being on the Committee report, Ought to Pass.

Ordered to third reading.

HB 104-FN, relative to sunset review of administration and control - administration and control programs. Ought to Pass with Amendment.

This bill renews the administration and control programs within the Comptroller's Office. The amendment changes the department's title to Administration and Finance and defines general qualifications and a 4-year term of office for the Director of General Services. Other minor housekeeping changes were designed to modernize the terminology. Vote 17-0. Rep. Rowland H. Schmidtchen for Appropriations.

#### Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Chapter Title. Amend RSA 8 by striking out the chapter title "DEPARTMENT OF ADMINISTRATION AND CONTROL" and inserting in place thereof the following (DEPARTMENT OF ADMINISTRATION AND FINANCE).

4 Department of Administration and Finance. Amend RSA 8:1 as amended by striking out said section and inserting in place thereof the following:

8:1 Department Established. There shall be a department of administration and finance under the executive direction of the comptroller. The department shall consist of a division of budget and control, a division of accounts, a division of business supervision and budget analysis, a division of general services, and a division of information management planning.

5 Powers and Duties. Amend RSA 8:5, I by striking out in lines 1 and 2 the word "control" and inserting in place thereof the following (finance) so that said paragraph as amended shall read as follows:

1. Be the executive officer of the department of administration and finance, and administer its affairs, subject to the provisions hereof;

6 Heading Change. Amend the subdivision heading before RSA 8:14 by striking out said heading and inserting in place thereof the following (Division of General Services).

7 Division of General Services. Amend RSA 8:14 by striking out said section and inserting in place thereof the following:

8:14 Division Established. There shall be a division of general services under the executive direction of a director of general services.

8 Director of General Services. Amend RSA 8:15 by striking out said section and inserting in place thereof the following:

8:15 Director. The comptroller, subject to the approval of the governor and council, shall appoint a director of general services who shall be qualified by education and experience in the field of purchasing, and who shall hold office for a term of 4 years.

9 Salary. Amend RSA 8:17 by striking out said section and inserting in place thereof the following:

8:17 Salary. The annual salary of the director of general services shall be that prescribed by RSA 94:1-a.

10 Duties of Director of General Services. Amend RSA 8:19, II (supp) as amended by striking out said paragraph and inserting in place thereof the following:

II. Purchase all materials, equipment and supplies for all departments and agencies of the state, including contracting for the purchase or rental of computers and automatic data processing equipment, except as otherwise provided in RSA 8:25. All purchasing authority is hereby centralized in the division of general services.

11 Reference Changes. Amend the following sections and paragraphs of sections of RSA by striking out in them the words "director of purchase and property" and inserting in place thereof the following (director of general services): RSA 8:16; RSA 8:19, introductory paragraph; RSA 8:19, XV; RSA 8:20; RSA 8:21; RSA 8:22; RSA 8:22-a; RSA 8:23; RSA 8:24; RSA 8:25; RSA 8:25-a, introductory paragraph.

12 Heading Change. Amend the subdivision heading after RSA 8:49 by striking out said heading and inserting in place thereof the following (Bureau of Graphic Services).



13 Bureau of Graphic Services. Amend RSA 8:51 (supp) as inserted by 1977, 485:1 by striking out said section and inserting in place thereof the following:

8:51 Bureau Established.

I. There shall be a bureau of graphic services established within the division of general services of the department of administration and finance. The bureau shall be under the executive direction of the director of general services.

II. The bureau shall have control over all copy centers, all state photography facilities, with the exception of the state police laboratory, all photocopy facilities, and all state printing and duplicating facilities. The bureau shall also supervise and control all state printing and its procurement.

14 Director of Bureau. Amend RSA 8:52 (supp) as inserted by 1977, 485:1 by striking out said section and inserting in place thereof the following:

8:52 Director. The comptroller, subject to the approval of the governor and council, shall appoint a director of the bureau of graphic services. The director of the bureau of graphic services shall be responsible for the day-to-day administration of the bureau. The director of the bureau shall be an unclassified employee and shall serve for a term coterminous with that of the director of general services.

15 Salary of Director of Bureau. Amend RSA 8:53 (supp) as inserted by 1977, 485:1 by striking out said section and inserting in place thereof the following:

8:53 Salary. The annual salary of the director of the bureau of graphic services shall be established in RSA 94:1-a.

16 Duties. Amend RSA 8:54, III (supp) as inserted by 1977, 485:1 as amended by striking out said paragraph and inserting in place thereof the following:

III. Establish, subject to availability of funds, operating space for the maintenance of an adequate stock of paper, supplies and other material necessary for the efficient operation of all printing, duplicating and other graphic services, provided that all purchases shall be made by the division of general services.

17 Duties. Amend RSA 8:54, IV-VI as inserted by 1977, 485:1 by striking out said paragraphs and inserting in place thereof the following:

IV. Provide that all legislative printing within the capability of the bureau of graphic services shall, at all times, have priority over other work of the section.

V. Arrange that all photocopies shall be held under the control of the bureau of graphic services and pursuant to the rules and regulations formulated by the director.

VI. Provide that each photocopier has a meter to enable the bureau of graphic services to levy cost charges on its use.

18 Salary. Amend RSA 94:1-a, I (supp) as inserted by 1975, 505:28 as amended by striking out in Group N the title "Director, purchase and property" and inserting in place thereof the following (Director, general services).

19 Salary. Amend RSA 94:1-a, I (supp) as inserted by 1975, 505:28 as amended by striking out in Group K the title "Director, division of graphic services" and inserting in place thereof the following (Director, bureau of graphic services).

20 Present Director of Purchase and Property. The person holding the position of director of purchase and property on the effective date of this act shall become the director of general services and shall hold such office until December 31, 1986.

21 Present Director of Graphic Services. The person holding the position of director of the division of graphic services on the effective date of this act shall become director of the bureau of graphic services and shall hold such office until December 31, 1986.

22 Transfers of the Division of Purchase and Property. All of the functions, powers, duties, personnel, records, property and funds of the department of administration and control and the division of purchase and property are hereby transferred to the department of administration and finance and to the division of general services respectively. Whenever reference is made to the department of administration and control or to the division of purchase and property in the law, it shall be construed to mean the department of administration and finance or the division of general services as the context requires.

23 Transfers of the Division of Graphic Services. All of the functions, powers, duties, personnel, records, property and funds of the division of graphic services, department of administration and control are hereby transferred to the bureau of graphic services, division of general services, department of administration and finance. Whenever reference is made to the division of graphic services, department of administration and control in the law, it shall be construed to mean the bureau of graphic services, division of general services, department of administration and finance.

24 Authority to Conform Laws. The director of legislative services is hereby authorized, with the approval of the speaker of the house and the president of the senate, to make changes in the printed version of all laws enacted by the 1983 session of the general court that may be necessary for the purpose of conforming the language of such legislation to the language of this act, providing that no substantive changes may thereby be made. Such authority shall expire upon the printing of the 1983 session laws.

25 Effective Date. This act shall take effect upon its passage.

Rep. Schmidtchen spoke to the committee report and yielded to questions.

Rep. Margaret Ramsay spoke against the amendment.

Amendment lost.

Ordered to third reading.

HB 315-FN, making certain supplemental appropriations. Ought to Pass with Amendment.

This bill was amended to include an additional appropriation to the Board of Tax and Land Appeals, assigned counsel for indigent defendants, and funds to cover the shortfall for medical insurance in several agencies. Vote 16-0. Rep. William F. Kidder for Appropriations.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

II. Board of Tax and Land Appeals	
10 Permanent personal services	\$12,659
11 Unclassified	6,295
20 Current Expenses	1,723
60 Benefits	8,099
70 In-state travel	364
Total	\$29,140
Estimated source of funds for board of tax and land appeals	
General fund	\$29,140

Amend paragraph III as inserted by section 1 of the bill by inserting after subparagraph (f) the following new subparagraph:

(g) Blue cross/blue shield shortfall	\$165,000
Estimated sources of funds for shortfall	
General fund	\$165,000

Amend section 1 of the bill by inserting after paragraph V the following new paragraphs:

VI. Department of resources and economic development	
Blue cross/blue shield shortfall	\$ 32,394
Estimated source of funds for shortfall	
General fund	\$ 32,394
VII. Water supply and pollution control commission	
Blue cross/blue shield shortfall	\$ 17,670
Estimated source of funds for shortfall	
General fund	\$ 17,670
VIII. Parole board	
Blue cross/blue shield shortfall	\$ 1,715
Estimated source of funds for shortfall	
General fund	\$ 1,715
IX. Fish and game department	
Blue cross/blue shield shortfall	\$ 99,282
Estimated source of funds for shortfall	
Fish and game fund	\$ 99,282
X. Department of Administration and Control	
Assigned counsel shortfall	\$633,465
Estimated source of funds for shortfall	
General fund	\$633,465

#### AN ACT

making certain supplemental appropriations and relative to records relating to assigned counsel for indigent defendants.

Amend paragraph II as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Hiring Freeze Fund: Liquor Commission. Amend 1982, 42:47 by inserting after paragraph II the following new paragraph:

II-a. The provision of paragraph II relating to the transfer of moneys from agency budgets to the hiring freeze fund shall not apply to the liquor commission.

4 Records Relating to Assigned Counsel. Amend RSA 604-A by inserting after section 9 the following new section:

604-A:10 Records Required: Comptroller.

1. The comptroller shall keep records of the notification of eligibility and assignment of counsel as submitted by the courts of the state pursuant to supreme court order 81-5A and subsequent related orders. In addition to any other use the comptroller shall make of these records, the comptroller shall keep records including the following information and compile such information on a monthly basis:

(a) The name of the courts, including the location and the type of the court.

(b) The type of the case as defined by the most serious offense charged in the case, according to the following categories:

- (1) Homicide
- (2) Other felony
- (3) Misdemeanor
- (4) Juvenile
- (5) Other

(c) Whether the case was assigned to a private attorney or a public defender.

II. When a final bill has been approved for payment to a private attorney the comptroller shall record the following information:

(a) The type of case as defined in RSA 604-A:10, I(b).

(b) The amount of the attorney's fee.

III. The comptroller shall also compile the gross monthly cost for bills approved for payment for expenses other than counsel, including those pursuant to RSA 604-A:6.

5 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Rep. Butler offered an amendment.

#### Amendment

Amend section 1 of the bill by inserting after paragraph IV the following new paragraph:

IV-a. Board of Examiners of Psychologists	
Expense shortfall	\$9,654
Estimated source of funds for shortfall	
General fund	\$9,654

The Clerk read the amendment.  
Rep. Butler explained her amendment.

Reps. Margaret Ramsay and Michael King spoke in favor of the amendment.

Amendment adopted.

Rep. Margaret Ramsay yielded to questions.

Ordered to third reading.

HB 210-FN, ensuring retirement benefits for police officers who become director or field representatives for the police standards and training council. Inexpedient to legislate.

The Committee's action is in accord with a previous legislative determination in 1981 (Chapter 536, Laws of 1981) which indicated field representatives for or a director of the Police Standards and Training Council is not appropriate for group II benefits, excluding those presently occupying the positions. Group II benefits are limited to hazardous duty positions. A police officer who is a group II member of the retirement system and who may become a field representative for or a director of the council would carry their accumulated benefits with them - nothing would prohibit an officer from returning to group II and carrying both groups' retirement benefits. Vote 19-1. Rep. William Gregorio for Executive Departments and Administration.

Rep. Daniel Eaton spoke to the Committee report.

Resolution adopted.

HB 314-FN, relative to vanity number plates for motor vehicles. Inexpedient to legislate.

Committee members reported having contacted many constituents who, if recognized as a fair sampling, would indicate strong public resistance to this bill. For this reason the increase in initial cost of vanity type plates at the risk of doing great damage to a heretofore smoothly functioning program cannot be overlooked. Vote 14-0. Rep. Paul E. Blouin for Transportation.

Rep. Rounds moved that HB 314 be made a Special Order for Thursday, April 7.

Rep. Tavitian spoke in favor of the motion.

Motion adopted.

#### SENATE MESSAGES CONCURRENCE

HB 86-FN, concerning taxation by the town of Derry of property within the East Derry fire precinct.

HB 199, relative to the office of ombudsman.

HB 62-FN, to require the use of child passenger restraints in certain motor vehicles.

#### REFERRED FOR INTERIM STUDY

HB 179, authorizing counties to establish county personnel commissions.

## NONCONCURRENCE

HB 82, to prohibit the wearing of headphones while operating a vehicle.

HB 211, requiring school buses to remain stopped at railroad crossings until an approaching train has passed and signals have stopped flashing.

## REQUESTS CONCURRENCE

SB 24-FN, relative to the off highway recreational vehicle laws.

SB 40, relative to selling venison imported into the state.

SCR 4, urging the President and the Congress of the United States to eliminate federal restrictions on the use of marijuana by state programs for legitimate medical purposes.

REQUESTS CONCURRENCE  
WITH AMENDMENT

HB 167, relative to vacancies in the offices of town clerk-tax collector and tax collector. (Amendment printed SJ 3/24).

Rep. Mann moved that the House concur. Adopted.

## THREE LEGISLATIVE DAY EXTENSION GRANTED

HB 204, relative to licensing of health facilities.

Rep. Burns moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourn today it be to meet Thursday, March 31 at 1:00 p.m.

Adopted.

## LATE SESSION

Third reading and final passage

HB 90, relative to improvements to the central New Hampshire turnpike and making an appropriation therefor.

HB 100-FN, relative to sunset review of the legislative budget assistant - budget and support.

HB 101-FN, relative to sunset review of the legislative budget assistant - special services, post audit.

HB 102-FN, relative to sunset review of administration and control - budget and control.

HB 103-FN, relative to sunset review of administration and control - division of special disbursements.

HB 104-FN, relative to sunset review of administration and control - administration and control programs.

HB 105-FN, relative to sunset review of state treasury - administration.

HB 106-FN, relative to sunset review of state treasury - trust funds.

HB 107-FN, relative to sunset review of state treasury - special general fund distribution.

HB 108-FN, relative to sunset review of the safety department - state overhead charges.

HB 148-FN, placing the workmen's compensation review commission for state employees under the jurisdiction of the comptroller.

HB 315-FN, making certain supplemental appropriations and relative to records relating to assigned counsel for indigent defendants.

HB 128, relative to sunset review of Keene state - board of education.

HB 225-FN, relative to apple marketing.

HB 185, changing references in the laws relating to solid waste and hazardous waste from the bureau of solid waste management to the office of waste management.

HB 194, requiring dentists to make a record of all dental work performed and to maintain such record for 7 years.

HB 255-FN, relative to nonresident commercial salt water fishing licenses.

HB 220, allowing an exemption from attachable property for jewelry up to \$500 in value.

HB 263, providing for a short form of acknowledgment on self-proved wills.

HB 334, reclassifying the Pemigewasset river between the towns of Woodstock and Thornton and the East Branch Pemigewasset river between the towns of Lincoln and Woodstock.

HB 127-FN, relative to sunset review of the higher education fund - U.N.H. system administration.

HB 229-FN, relative to hunting and fishing guides and license fees pertaining thereto.

HB 237, relative to employment termination.

HB 236, providing special registration plates for members of the national guard and judiciary, and for the secretary of state and state treasurer.

## HOUSE RESOLUTION NO. 29

memorializing former  
Representative Aram Parnagian.

WHEREAS, we have learned with sorrow of the death of former Representative Aram Parnagian, and

WHEREAS, Aram Parnagian served the people of Strafford County with distinction and efficiency as their state representative for five terms, and

WHEREAS, during his tenure in the New Hampshire House of Representatives, Aram Parnagian was an honored member of the Standing Committees on Banking and Transportation, serving as its Vice-Chairman in 1973, and

WHEREAS, Aram Parnagian also served his community faithfully as the Chairman of the Dover City Delegation, and

WHEREAS, it is generally regarded that Aram Parnagian's service and dedication to the people of Strafford County and the State was outstanding, now therefore be it



RESOLVED, by the House of Representatives in Regular Session convened, that expressions of sympathy be extended to his family, and be it further

RESOLVED, that a suitable copy of this Resolution be prepared for presentation to his family.

Unanimously adopted by a rising vote of silent prayer.

Rep. Rounds moved that the House stand in recess for the purpose of Introduction of Bills and Enrolling Reports only.  
Adopted.

The House recessed at 4:00 p.m.

#### RECESS

(Rep. Townsend in the Chair)

Reps. Lawrence Sullivan and Guay offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 539 through 639, and Concurrent Resolutions Proposing Constitutional Amendments numbered 15 and 16, and House Resolutions numbered 30 and 31, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF HOUSE BILLS, CACRs AND HRS First, second reading and referral

HB 539, limiting the use of power boats on Clark pond in the town of Canaan. (Downing of Grafton Dist. 11 - To Resources, Recreation and Development)

HB 540, requiring certain licensees and permittees to install breathalyzers. (Hennessey of Strafford Dist. 6; Belhumeur of Strafford Dist. 6 - To Regulated Revenues)

HB 541, relative to a capital improvements plan. (Walter of Grafton Dist. 13 - To Public Works)

HB 542, relative to spraying on power lines. (Heath of Carroll Dist. 4 - To Environment and Agriculture)

HB 543-FN, relative to expending fines and forfeitures collected for fish and game violations on certain rewards. (Heath of Carroll Dist. 4 - To Fish and Game)

HB 544, removing the retirement system board of trustees from selecting and administering group life and health coverage for state employees. (Burkush of Hillsborough Dist. 36; Zajdel of Hillsborough Dist. 33 - To Executive Departments and Administration)

HB 545, relative to party committees. (Belhumeur of Strafford Dist. 6 - To Statutory Revision)

HB 546-FN, increasing the uncontested special session fee for probate judges. (Spirow of Hillsborough Dist. 31; Demers of Strafford Dist. 9 - To Judiciary)

HB 547, providing a method for the recall of certain elected officials. (Flanagan of Rockingham Dist. 8; Mace of Rockingham Dist. 21 - To Statutory Revision)

HB 548, relative to annulment of records of conviction and sentence for certain offenders. (Lane of Cheshire Dist. 15 - To Judiciary)

HB 549-FN, transferring ownership of certain state-owned dams to the water resources board. (Lamprey of Belknap Dist. 1; Miller of Cheshire Dist. 1; Hendrick of Hillsborough Dist. 12 - To Resources, Recreation and Development)

HB 550-FN, relative to apportionment, assessment and abatement of taxes. (King of Rockingham Dist. 4 - To Municipal and County Government)

HB 551-FN, relative to the catastrophic illness program and making an appropriation therefor. (Copenhaver of Grafton Dist. 12; Craig of Hillsborough Dist. 3 - To Ways and Means)

HB 552, making ballots defective for having distinguishing marks. (Dickinson of Carroll Dist. 2; Nute of Hillsborough Dist. 13; Ahrens of Hillsborough Dist. 13 - To Statutory Revision)

HB 553, relative to home rule for siting low level radioactive waste facilities. (Keenan of Rockingham Dist. 14; LoFranco of Rockingham Dist. 26; Belhumeur of Strafford Dist. 6; Raiche of Hillsborough Dist. 34; Palumbo of Rockingham Dist. 10 - To Environment and Agriculture)

HB 554, relative to cutting timber near certain waters and public highways. (Blair of Grafton Dist. 8 - To Environment and Agriculture)

HB 555, requiring deeds or other conveyances of property to include the tax map and parcel number of the property. (Perry of Cheshire Dist. 10 - To Municipal and County Government)

HB 556, relative to prohibitions that take effect after a declaration of candidacy or a declaration of intent. (Flanagan of Rockingham Dist. 8; Boyer of Dist. 13 - To Statutory Revision)

HB 557, relative to recount procedures. (Flanagan of Rockingham Dist. 8 - To Statutory Revision)

HB 558, relative to overseas voters. (Flanagan of Rockingham Dist. 8 - To Statutory Revision)

HB 559, prohibiting experiments on live animals in school grades kindergarten through 12. (Trombly of Merrimack Dist. 4 - To Education)

HB 560-FN, relative to the restructuring of the state mental health system, and making an appropriation therefor.

(Vartanian of Rockingham Dist. 20; Kidder of Merrimack Dist. 2; Head of Hillsborough Dist. 9; Krasker of Rockingham Dist. 25; Spirow of Hillsborough Dist. 31; Preston of Dist. 23 - To State Institutions)

HB 561, prohibiting municipalities by zoning ordinance from regulating the antenna or structure supporting the antenna of a federally licensed radio amateur. (Clark of Cheshire Dist. 3 - To Municipal and County Government)

HB 562, relative to dental examinations of dead bodies not identifiable by other means. (Clark of Cheshire Dist. 3 - To Judiciary)

HB 563, providing that tax arrears shall appear on the property tax bills. (Ahrens of Hillsborough Dist. 13 - To Municipal and County Government)

HB 564, requiring runoff elections in primaries when no one candidate for the office of governor, councilor, United States senator, or United States representative receives a majority of the vote. (Ahrens of Hillsborough Dist. 13 - To Statutory Revision)

HB 565-FN, changing the name of the department of health and welfare to the department of health and human services. (Ward of Grafton Dist. 1; Head of Hillsborough Dist. 9; Kelly of Dist. 14; McLane of Dist. 15 - To Executive Departments and Administration)

HB 566, recodifying the controlled drug laws. (Sytek of Rockingham Dist. 20 - To Judiciary)

HB 567, relative to service station dealers. (Nute of Hillsborough Dist. 13; Spiro of Hillsborough Dist. 31; Dickinson of Carroll Dist. 2; Walter of Grafton Dist. 13; Head of Hillsborough Dist. 9 - To Commerce, Housing and Consumer Affairs)

HB 568, establishing an advisory committee on long-term care. (Townsend of Sullivan Dist. 1; Copenhaver of Grafton Dist. 12 - To Health and Welfare)

HB 569, to permit waivers to certain students to serve alcoholic beverages as an incidental function of their vocational training. (Kozacka of Rockingham Dist. 13 - To Regulated Revenues)

HB 570-FN, authorizing county conventions to set minimum and maximum pay scales for certain county officials. (Gage of Rockingham Dist. 20; Romoli of Rockingham Dist. 19; Hynes of Rockingham Dist. 26 - To Municipal and County Government)

HB 571-FN, prohibiting state funding of abortions. (Locke of Belknap Dist. 6 - To Health and Welfare)

HB 572-FN, creating a uniform interest rate penalty for the late filing of tax returns. (Peters of Hillsborough Dist. 11; Scamman of Rockingham Dist. 19 - To Ways and Means)

HB 573, relative to the exclusion or modification of warranties for consumer goods or services. (Guay of Coos Dist. 7 - To Commerce, Housing and Consumer Affairs)

HB 574, relative to an underground utility damage prevention system. (Quimby of Rockingham Dist. 7 - To Commerce, Housing and Consumer Affairs)

HB 575, withdrawing home office protection under the branch banking law from banks which are affiliates of bank holding companies. (Whittemore of Merrimack Dist. 10; Crory of Grafton Dist. 12; Bartlett of Dist. 19 - To Commerce, Housing and Consumer Affairs)

HB 576, relative to bottle bill legislation. (Palumbo of Rockingham Dist. 10; Ames of Rockingham Dist. 10; Flanders of Rockingham Dist. 10; Phelps of Merrimack Dist. 1; Kalamanos of Rockingham Dist. 26 - To Statutory Revision)

HB 577, relative to the membership of the administrative committee of the district and municipal courts. (Gage of Rockingham Dist. 13 - To Judiciary)

HB 578, creating a joint legislative committee to study the feasibility of merging all unincorporated places with abutting towns. (Guay of Coos Dist. 7 - To Municipal and County Government)

HB 579, relative to the impact of computerizing state agencies. (Palumbo of Rockingham Dist. 10 - To Legislative Administration)

HB 580, making it a crime to make a false statement about a candidate. (Sytek of Rockingham Dist. 20 - To Statutory Revision)

HB 581, to amend the reckless driving statute. (Nelson of Hillsborough Dist. 28 - To Transportation)

HB 582, eliminating eminent domain sections of the highway laws that conflict with RSA 498-A and amending RSA 498-A the eminent domain procedures act. (LaBranche of Merrimack Dist. 10 - To Public Works)

HB 583, requiring municipalities to have planning boards. (Hraba of Carroll Dist. 7 - To Municipal and County Government)

HB 584, permitting towns without zoning to establish village districts with zoning. (Hraba of Carroll Dist. 7 - Municipal and County Government)

HB 585-FN, permitting the labor commissioner to assess civil penalties. (Skinner of Rockingham Dist. 21 - To Labor, Human Resources and Rehabilitation)

HB 586, authorizing additional state and local officials to apply for and receive administrative inspection warrants. (Mercier of Merrimack Dist. 10; LaBranche of Merrimack Dist. 10 - To Judiciary)

HB 587, making "New Hampshire Naturally" an honorary state song and making the white tail deer the state animal. (Grassie of Strafford Dist. 11; Demers of Strafford Dist. 9; Lemire of Hillsborough Dist. 37; Townsend of Sullivan of Dist. 1; Burns of Coos Dist. 5; Leslie of Rockingham Dist. 20 - To Statutory Revision)

HB 588-FN, allowing employees to receive privately financed layoff benefits without a reduction in their unemployment compensation benefits. (Baker of Hillsborough Dist. 19 - To Labor, Human Resources and Rehabilitation)

HB 589, requiring declarations of candidacy for candidates for the office of president and vice-president. (Paradis of Hillsborough Dist. 6 - To Statutory Revision)

HB 590, requiring notification of procedures for the emergency withdrawal of accumulated contributions from the retirement system. (Ahern of Hillsborough Dist. 25 - To Executive Departments and Administration)

HB 591, clarifying the status of tax warrants in semi-annual billing and relative to tax records. (Lawrence of Hillsborough Dist. 19 - To Municipal and County Government)

HB 592, requiring proof of financial responsibility before a driver's license may be issued and increasing the minimum required coverage. (Lawrence of Hillsborough Dist. 19 - To Transportation)

HB 593, to allow taxes to be assessed to the current owner of property if it has changed hands after April 1. (Lawrence of Hillsborough Dist. 19 - To Municipal and County Government)

HB 594, requiring tax collectors to mail tax notices to delinquents 30 or fewer days prior to posting the tax sale. (Lawrence of Hillsborough Dist. 19 - To Municipal and County Government)

HB 595-FN, extending the period of time the public utilities commission may suspend a rate schedule under certain circumstances. (Lynde of Hillsborough Dist. 20 - To Commerce, Housing and Consumer Affairs)

HB 596-FN, relative to protection of towns, cities and counties from retroactive state billings. (Cronin of Hillsborough Dist. 33 - To Health and Welfare)

HB 597, relative to coordination of permits and approvals issued by the department of public works and highways and municipal planning boards. (L. Smith of Hillsborough Dist. 19 - To Public Works)

HB 598, relative to the establishment of a state park on state-owned land in the city of Laconia in honor of all former governors of the state. (Dexter of Belknap Dist. 8; Carragher of Hillsborough Dist. 22; Bolduc of Belknap Dist. 10; Dionne of Belknap Dist. 10; Whittemore of Belknap Dist. 12; Freese of Dist. 4 - To State Institutions)

HB 599-FN, modifying the definition of "most recent employer." (Kane of Rockingham Dist. 13 - To Labor, Human Resources and Rehabilitation)

HB 600, requiring purchasers of valuable, secondhand household items to hold them for 10 days before resale. (Kane of Rockingham Dist. 13 - To Commerce, Housing and Consumer Affairs)

HB 601-FN, relative to assaults by prisoners and to confiscation of certain property. (Matson of Cheshire Dist. 7 - To Judiciary)

HB 602-FN, relative to driving while intoxicated. (Locke of Belknap Dist. 6 - To Judiciary)

HB 603, relative to open primaries. (Jacobson of Merrimack Dist. 2 - To Statutory Revision)

HB 604, relative to cable television franchises. (Kaklamanos of Hillsborough Dist. 26; Scamman of Rockingham Dist. 19; Champagne of Dist. 20 - To Commerce, Housing and Consumer Affairs)

HB 605-FN, relative to interference with custody. (Trombly of Merrimack Dist. 4 - To Health and Welfare)

HB 606-FN, to increase the standard workweek and salary for welfare fraud investigators and the chief of investigations. (Joslyn of Rockingham Dist. 20 - To Health and Welfare)

HB 607-FN, to provide for recovery of money obtained through welfare fraud or abuse. (Joslyn of Rockingham Dist. 20 - To Health and Welfare)

HB 608, providing for financial disclosure by applicants for and recipients of public assistance. (Craig of Hillsborough Dist. 3 - To Health and Welfare)

HB 609-FN, relative to tax exempt property. (Cate of Merrimack Dist. 13 - To Municipal and County Government)

HB 610-FN, establishing a property tax exemption for persons with children attending non-public schools. (Locke of

Belknap Dist. 6 - To Municipal and County Government)

HB 611-FN, relative to regulation of spraying residential neighborhoods with hazardous pesticides. (Head of Hillsborough Dist. 9 - To Environment and Agriculture)

HB 612-FN, authorizing the retirement system board of trustees to collect delinquent account penalties through small claims or superior court. (Pevear of Rockingham Dist. 17 - To Executive Departments and Administration)

HB 613-FN, increasing the rate of the delinquent account penalty which is assessed by the retirement system board of trustees. (Pevear of Rockingham Dist. 17 - To Executive Departments and Administration)

HB 614, to prohibit blind bidding on motion pictures. (York of Coos Dist. 8 - To Commerce, Housing and Consumer Affairs)

HB 615-FN, permitting benefit payment deductions for group carriers other than Blue Cross. (Walker of Rockingham Dist. 17 - To Executive Departments and Administration)

HB 616-FN, relative to the payment of actuarial fees by certain employers. (Hollingworth of Rockingham Dist. 17 - To Executive Departments and Administration)

HB 617-FN, relative to employee benefits after his employer's withdrawal from the retirement system. (Hollingworth of Rockingham Dist. 17 - To Executive Departments and Administration)

HB 618-FN, requiring binding arbitration in resolving labor disputes involving police and fire employees of certain cities. (Burkush of Hillsborough Dist. 36; Warburton of Rockingham Dist. 6; Zajdel of Hillsborough Dist. 33; Reidy of Hillsborough Dist. 36; Wheeler of Hillsborough Dist. 6 - To Labor, Human Resources and Rehabilitation)

HB 619-FN, authorizing collection of certain outstanding charges through the tax collection process. (Gross of Merrimack Dist. 15; Underwood of Merrimack Dist. 15; Parrish of Merrimack Dist. 16; Sullivan of Merrimack Dist. 15; McDonnell of Merrimack Dist. 16 - To Municipal and County Government)

HB 620, giving the state the right of first refusal on rail properties offered for sale within the state. (Sloan of Rockingham Dist. 6 - To Public Works)

HB 621, limiting library commissioners to 2 terms. (Skinner of Rockingham Dist. 21 - To State Institutions)

HB 622, relative to disorderly conduct. (Cate of Merrimack Dist. 13 - To Public Protection and Veterans' Affairs)

HB 623, permitting voting as an independent in a state primary election. (Sloan of Rockingham Dist. 6 - To Statutory Revision)

HB 624, relative to informed consent. (Hollingworth of Rockingham Dist. 17; Girouard of Grafton Dist. 13 - To Health and Welfare)

HB 625-FN, relative to increasing license fees for the transport of petroleum products into the state. (LaMott of Grafton Dist. 5 - To Resources, Recreation and Development)

HB 626-FN, permitting deductions for qualified charitable and research

contributions from the business profits tax. (Ahrens of Hillsborough Dist. 13; Taffe of Grafton Dist. 6 - To Ways and Means)

HB 627, relative to registering civil aircraft. (Labombarde of Hillsborough Dist. 22 - To Transportation)

HB 628, increasing certain insurance coverage required for operating an aircraft. (Labombarde of Hillsborough Dist. 22 - To Commerce, Housing and Consumer Affairs)

HB 629, relative to habitual offenders. (Gordon of Cheshire Dist. 5 - To Transportation)

HB 630, relative to changes in the construction clause of the law against discrimination. (Hollingworth of Rockingham Dist. 17; Raiche of Hillsborough Dist. 34; Ahlgren of Hillsborough Dist. 32; McLane of Dist. 15 - To Judiciary)

HB 631, permitting a rural electrification cooperative association to organize and control electric cooperative associations. (Sackett of Strafford Dist. 4 - To Commerce, Housing and Consumer Affairs)

HB 632, to make public the tax rate for cities and towns by October 25 of each year. (Locke of Belknap Dist. 6 - To Ways and Means)

HB 633-FN, relative to benefits for part-time state employees. (Ahrams of Hillsborough Dist. 6 - To Executive Departments and Administration)

HB 634-FN, relative to straight chiropractic. (Downing of Grafton Dist. 11; Miller of Cheshire Dist. 1; Campbell of Rockingham Dist. 20; Matson of Cheshire Dist. 7; Blaisdell of Dist. 10 - To Executive Departments and Administration)

HB 635-FN, amending the sunset process. (Ramsey of Hillsborough Dist. 35; Miller of Cheshire Dist. 1 - To Legislative Administration)

HB 636-FN, relative to internal investigation files on law enforcement officers. (Sullivan of Merrimack Dist. 15 - To Public Protection and Veterans' Affairs)

HB 637-FN, making written policy directives to police officers inadmissible in certain civil actions. (Sullivan of Merrimack Dist. 15 - To Public Protection and Veterans' Affairs)

HB 638-FN, providing a graduated series of penalties for failure to honor a subpoena in a civil or criminal case. (Cate of Merrimack Dist. 13 - To Judiciary)

HB 639-FN, relative to warranties in consumer sales. (Ware of Hillsborough Dist. 18 - To Commerce, Housing and Consumer Affairs)

CACR 15, relating to a limitation on state and local taxation and spending increases. Providing that taxation and expenditures shall not exceed the previous year's levels by more than 5 percent unless approved by 2/3 vote. (Locke of Belknap Dist. 6 - To Constitutional Revision)

CACR 16, relating to the succession of governor. Providing that there shall be a lieutenant governor, who shall become governor when the office of governor becomes permanently vacant, and who shall act as governor when that office is temporarily vacant, and providing that every other designated successor to the office of

governor shall, in turn, become governor if the offices of governor and lieutenant governor are both permanently vacant or act as governor when the offices of governor and lieutenant governor are temporarily vacant. (Donnelly of Strafford Dist. 7; Sullivan of Hillsborough Dist. 30; Jacobson of Merrimack Dist. 2; Lessard of Dist. 21 - To Constitutional Revision)

HR 30, expressing the sense of the general court that the Price-Anderson Act, as amended, must be further amended, as soon as possible, to provide offsite financial protection to the general public, and to the counties, cities, towns, and other civil divisions of government, including state governments, in accordance with the latest Nuclear Regulatory Commission estimates of the financial consequences of nuclear power reactor accidents, and that the Price-Anderson Act must under no circumstances be repealed, or allowed to expire, but must be renewed as amended before its expiration date. (Pevear of Rockingham Dist. 17; LoFranco of Rockingham Dist. 26; Krasker of Rockingham Dist. 25; Longworth of Rockingham Dist. 18; Pearson of Belknap Dist. 5 - To Science and Technology)

HR 31, requesting that the United States Supreme Court reverse its position on the issue of abortion as established in the 1973 case of *Roe v Wade*. (Locke of Belknap Dist. 6; Schwane of Rockingham Dist. 9 - To Health and Welfare)

#### ENROLLED BILLS REPORT

HB 64, relative to the training and certification of police officers.

HB 112, relative to sunset review of the insurance department - administration.

HB 151, relative to sunset review of the department of public works and highways - maintenance.

HB 152, relative to sunset review of the department of public works and highways - community assistance state funds.

HB 165, extending workmen's compensation coverage to certain household employees.

HB 31, establishing a penalty for racing licensee's failure to submit certain required information on time.

Rep. Francis Donovan  
Sen. Laurier Lamontagne  
For the Committee.

#### RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn.  
Adopted.



# HOUSE JOURNAL 15

*Thursday, 31Mar83*

The House assembled at 1:00 p.m., and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

Help us, dear Father, to learn from history. Some use a towel and basin to wash their hands of all risk and responsibility. Others use a towel and basin to wash another's feet and to express their caring and responsibility.

When we are tempted to hide from the tasks given us, forgive us. When we dare to face the risks of involvement in providing for others give us courage and strength.

In this Holy Week may we learn from the past and side with the course of love, mercy, service and justice in our dealings with each other. Amen.

Rep. Stark led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. James J. White, Blake, Connors, Waldron, Stimmell, Zimmerman, Bowler, Irwin, Pevear, Evelyn King and Oleson, the day, illness.

Reps. Raymond Wood, Flint, Tamposi, Lewis, Musler, McIntire, Stylianos, D'Amante, Robie and Roland Lemire, the day, important business.

## INTRODUCTION OF GUESTS

Betty Robinson, wife of Rep. Francis Robinson; Mrs. Yvonne Boucher, mother of Rep. O'Rourke; Evelyn and Greg Grip, daughter and son of Rep. Grip; Mr. and Mrs. Francis Sullivan, guests of the Derry Delegation; Bruce Bumford, Arthur Alderman, Don Adams, Gloria Wetherby and Pete Goodwin, guests of Rep. Densmore; Marlene Royer and Carol Gagnon, guests of Rep. Kincaid; former House member, William L. Yardley, guest of Rep. Irvin Gordon.

Rep. Rounds offered the following:

RESOLVED, that in accordance with the list in accordance with the list in the possession of the Clerk, Senate Bills numbered 24 and 40, and Senate Concurrent Resolution numbered 4, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF SENATE BILLS AND SCR First, second reading and referral

SB 24-FN, relative to the off highway recreational vehicle laws. (Fish and Game)

SB 40, relative to selling venison imported into the state. (Commerce, Housing and Consumer Affairs)

SCR 4, urging the President and the Congress of the United States to eliminate federal restrictions on the use of marijuana by state programs for legitimate medical purposes. (Health and Welfare)

Rep. Rounds moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 295-FN, creating the transmission authority state of New Hampshire, was removed at the request of Rep. Guay.

HB 301-FN, establishing a political campaign financing fund, was removed at the request of Rep. Jacobson.

HB 248, relative to taxing electricity, was removed at the request of Rep. Easton. Adopted.

## COMMITTEE REPORTS (Consent Calendar)

HB 241-FN, making an appropriation to the department of education for the state revenue match requirement of the federal school lunch and child nutrition program. Ought to Pass.

This is a crucial bill. If it fails, \$12 million of federal funds will be lost and the "school lunch" program will disappear. Vote 18-0. Rep. Mary S. Nelson for Education.

Referred to Appropriations.

HB 250-FN, making an appropriation to the department of education, division of vocational technical education. Ought to Pass.

HB 250 makes a supplemental appropriation for fiscal year 1983 which enables the Department of Education to pay vocational education aid to local school districts. This aid will pay 100 percent of transportation costs and 75 percent of tuition costs for out of district students attending Regional Vocational Education Centers. There was no opposition at the hearing. Vote 18-0. Rep. Joanne A. O'Rourke for Education.

Referred to Appropriations.

HB 251-FN, relative to the state board of education and to salaries of assistant superintendents, teacher consultants and business administrators. Ought to Pass with Amendment.

This bill permits the State Board of Education to send a State Board member or the Board's designee to be a voting member of the State Library Commission.

The amendment eliminates the section pertaining to the State's share of the salaries of certain School Administration Unit personnel, since that item has not received funding for two years and is not funded in present budget proposals. Vote 18-0 Rep. Betty Jo Taffe for Education.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to the state board of education.

Amend the bill by striking out sections 2 and 3 and inserting in place thereof the following:

2 Effective Date. This act shall take effect 60 days after its passage.

Referred to Appropriations.

HB 258-FN, encouraging the establishment of kindergartens in public schools and making an appropriation therefor. Inexpedient to Legislate.

Though the Committee as a whole approves of kindergarten education, it was pointed out that the whole sum of \$1,000,000 to be appropriated could be absorbed by Nashua alone. The school districts participating could receive funding for only one year. Thereafter, they would have to carry the full cost of the kindergarten program, or abandon it. The bill neither prohibits nor mandates school district voluntary programs. Vote 17-0. Rep. William A. Riley for Education.

HB 270-FN, making an appropriation to the department of education for the payment of debt service for school construction. Ought to Pass with Amendment.

HB 270 makes a supplemental appropriation of \$1,038,329.47 for FY '83 for the payment of debt service for school construction (i.e. building aid to school districts). The amendment adds two sections from HB 293 (which is recommended for interim study). These sections deal with the number of installments in which such payments are made to the districts. Vote 18-0. Rep. Betty Jo Taffe for Education.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

making an appropriation to the department of education for the payment of debt service for school construction and changing the number of installments in which foundation aid shall be paid.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Bonds and Notes. Amend RSA 198:15-b, II (supp) as inserted by 1979, 208:1 as amended by striking out said paragraph and inserting in place thereof the following:

II. For the purposes of computing grants hereunder, the amount of the annual payment of principal shall be increased by an amount equal to the amount of capital reserve or the amount raised by taxation which was actually expended for the project at any time, divided by the number of years for which bonds or notes were issued to provide funds for such school building or school administrative unit facilities; provided, however, that funds transferred to capital reserve from trusts, bequests and gifts or money received from insurance policies shall not be eligible for computing grants hereunder. When bonds and notes are issued for a period of less than 5 years, the amount of aid for which the district is eligible shall be paid in no fewer than 5 equal installments.

3 Number of Installments. Amend RSA 198:15-b, III (supp) as inserted by 1979, 208:1 as amended by striking out in line 4 the number "10" and inserting in place thereof the following (5) so that said section as amended shall read as follows:

III. If the project was entirely financed by the use of amounts raised by taxation or by the use of capital reserve other than funds from trusts, bequests, gifts or received from insurance policies, the aid provided herein shall be paid in 5 equal installments.

4 Effective Date. This act shall take effect upon its passage.

Referred to Appropriations.

HB 344-FN, relative to school building aid for the Conway school district. Inexpedient to Legislate.

The Committee feels that under present statute, Conway has the means to accomplish what they want to accomplish with this bill. Vote 22-0. Rep. William P. Boucher for Education.

HB 333, relative to a lump sum death benefit for Lillian Palmer. Ought to Pass with Amendment.

The present benefits to the surviving spouse equal some \$9.03 per month. The Committee felt that a lump sum benefit of \$13,381 was more appropriate due to the fact that this benefit would have been awarded if her husband's death had occurred 3 days later. Payment for this lump sum benefit will be paid from the New Hampshire Retirement System assets and will have no fiscal impact on state, county or local revenues and expenditures. Vote 17-0. Rep. William Gregorio for Executive Departments and Administration.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

# 1 Lump Sum Benefit Authorized.

Notwithstanding the circumstance that her husband, a member of the New Hampshire retirement system, died 3 days before 1981, 536:10 became effective, Lillian Palmer shall be entitled to elect to receive a lump sum death benefit and the amount of her husband's accumulated contributions in lieu of an allowance, as provided by RSA 100-A:9 as amended by 1981, 536:10. If Lillian Palmer elects to receive a lump sum benefit, the New Hampshire retirement system board of trustees is hereby directed to pay to her the difference between the lump sum amount specified in 100-A:9 as amended and the amount which she has already been paid.

Referred to Appropriations.

HB 233-FN, relative to the licenses for bait dealers. Ought to Pass with Amendment. The Committee felt this would bring these fees in line with other commercial fees. Vote 12-1. Rep. Laura Pantelakos for Fish and Game.

## Amendment

Amend the bill by striking out section 3 and renumbering section 4 to read as 3

HB 253, abolishing a 5-trap license for taking lobster. Inexpedient to Legislate. The Committee felt that the 5-trap license should not be abolished because it only involves 157 people holding these licenses. Also, it would take away the rights of the small lobster fishermen. Vote 14-0. Rep. Laura Pantelakos for Fish and Game.

HB 254-FN, relative to a resident commercial salt water fishing license. Ought to Pass with Amendment.

The Committee felt \$25.00 was a fair fee for resident commercial fishing license. Vote 15-0. Rep. Laura Pantelakos for Fish and Game.

## Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Definition. Amend RSA 207:1 by inserting after paragraph IV the following new paragraph:

IV-a. Commercial Fisherman: Any person who holds a valid federal fisheries permit issued pursuant to 50 Code of Federal Regulations, section 651.4.

3 Effective Date. This act shall take effect 60 days after its passage.

HB 306, relative to the taking of eastern coyotes and making an appropriation thereof. Inexpedient to Legislate.

Although the Committee was sympathetic with the coyote problem, it felt that this was not the way to solve it. Vote 14-0. Rep. Laura Pantelakos for Fish and Game.

HB 347, relative to expenditures made by department of fish and game for search and rescue missions. Ought to Pass with Amendment.

The Committee felt very strongly that the Fish and Game Department should be reimbursed for expenses relating to search and rescue missions. Vote 14-0. Rep. Laura Pantelakos for Fish and Game.

## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

relative to expenditures made by the department of fish and game for search and rescue missions and search and rescue related activities.

Amend RSA 206:42 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

206:42 Reimbursement. The state shall reimburse the fish and game fund for the expenses incurred by the department of fish and game in conducting search and rescue missions in the state and for all search and rescue related activities of the department.

Amend RSA 206:43 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

206:43 Statement of Expenses. The executive director with the approval of the commission, shall submit to the state treasurer a statement of the expenses incurred by the department in a search and rescue mission or a search and rescue related activity. The statement shall show in detail the amount and character of the services performed, the duration of the search and rescue mission, and the actual disbursements made by the executive director as a result of such efforts.

Referred to Appropriations.

HB 349, providing restitution to the state for illegal taking or possessing game animals, game birds and fur bearing animals. Ought to Pass with Amendment.

The Committee felt restitution should be made to the state for illegal taking or possessing game animals, game birds and fur bearing animals. Vote 14-0. Rep. Laura Pantelakos for Fish and Game.

## Amendment

Amend RSA 207:55, I as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

1. In addition to the penalties provided for violating any of the provisions of RSA title LXII or title XVIII or any rule made under the authority thereof, any person convicted of the illegal taking or illegal possession of game animals, game birds, or fur bearing animals, resulting in the injury, death, or destruction of the same, may be sentenced to make restitution to the state for the value of each game animal, game bird, or fur bearing animal so taken or possessed as follows:

(a) Marten, moose and bear: \$500 per animal illegally taken or illegally possessed.

(b) Deer: \$250 per animal illegally taken or illegally possessed.

(c) Wild rabbit, hare, muskrat and gray squirrel: \$10 per animal illegally taken or illegally possessed.

(d) Wild turkey: \$200 per bird illegally taken or illegally possessed.

(e) Ruffed grouse, spruce grouse, pheasant, woodcock, ducks or geese: \$15 per bird illegally taken or illegally possessed.

(f) Fisher, bobcat, otter: \$200 per animal illegally taken or illegally possessed.

(g) Fox: \$75 per animal illegally taken or illegally possessed.

(h) Beaver and mink: \$20 per animal illegally taken or illegally possessed.

(i) Raccoon: \$20 per animal illegally taken or illegally possessed.

HB 137-FN, relative to sunset review of the department of health and welfare - division of welfare. Ought to Pass with Amendment.

HB 137, as amended, continues the Division of Welfare for six years under the Sunset Act. The amendment clarifies rulemaking authority, requires regular reporting on Medicaid cost control efforts, and establishes an interim committee to study ways that all third-party payers in the State can cooperate in stabilizing health care costs. The bill represents only part of the Committee's action relative to the Division which resulted from Sunset Review conducted jointly with the Senate Health and Welfare Committee. The Committee intends to follow up with further recommendations in the form of a resolution and continue its review through the Joint Oversight Committee on Health and Welfare in the interim. Vote 14-1. Rep. Joanne C. Head for Health and Welfare.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to sunset review of the department of health and welfare - division of welfare, clarifying the rulemaking authority of the division of welfare, requiring cost control reports and creating a joint committee on health care costs.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Duties of the Director. Amend RSA 161:4, I as amended by striking out said paragraph and inserting in place thereof the following:

1. SUPERVISION. It shall be the duty of the director of the division of welfare, department of health and welfare to supervise and direct the division so that its duties herein defined be effectuated and take action necessary or desirable to carry out the provisions of this chapter or RSA 167.

2 Rulemaking; General Provisions. Amend RSA 161 by inserting after section 4 the following new section:

161:4-a Rulemaking. The director of the division of welfare shall adopt rules under RSA 541-A relative to:

I. The development, administration and supervision of child welfare services by the division of welfare under RSA 161:2, II.

II. The determination of eligibility for assistance to needy blind persons under RSA 161:2, V.

III. The development and operation of social and related service programs under RSA 161:2, XII.

IV. The development and administration of the food stamp program under RSA 161:2, XIII.

V. The establishment, maintenance and direction of a system of collecting and disbursing court ordered support payments in divorce, non-support and support of children of unwed parents cases under RSA 161:2, XVI.

VI. The custody, use and preservation of records, papers, files and communications relating to the division of welfare.

VII. The decision of hearing officers appointed under RSA 161:4, IV.

VIII. Limitations on the total number of children living in foster care under RSA 161:4, V.

3 Rulemaking; Dependent Children. Amend RSA 161-B by inserting after section 7 the following new section:

161-B:8 Rulemaking. The director of the division of welfare shall adopt rules under RSA 541-A relative to:

I. The establishment of reasonable standards to limit applications for support enforcement services under RSA 161-B:3, III.

II. The establishment of reasonable fees for support enforcement services under RSA 161-B:3, IV.

III. The manner and time for filing of financial statements under RSA 161-B:6.

IV. Access to the contents of confidential records or to information collected regarding the enforcement of support of minor children under RSA 161-B:7, III.

4 Rulemaking; Alternative Method. Amend RSA 161-C:28 (supp) as inserted by 1977, 589:1 by striking out said section and inserting in place thereof the following:

161-C:28 Rulemaking. The director is hereby authorized subject to RSA 541-A to adopt such rules not inconsistent with this chapter as may be necessary to the efficient administration of the functions with which he is charged under this chapter.

5 Rulemaking; Protective Services. Amend RSA 161-D:6 (supp) as inserted by 1977, 464:1 by striking out said section and inserting in place thereof the following:



161-D:6 Rulemaking. The director shall adopt such rules under RSA 541-A as are necessary to carry out the purpose of this chapter, including, but not limited to, rules relative to access to records under RSA 161-D:3-c.

6 Rulemaking; Assistance Programs. Amend RSA 167 by inserting after section 3-b the following new section:

167:3-c Rulemaking. The director of the division of welfare shall adopt rules under RSA 541-A relative to:

I. Eligibility for assistance under RSA 167:4.

II. Consolidated standards of need under RSA 167:7, I and II.

III. Funeral expenses of deceased recipients under 167:11.

IV. The misuse of lists and records under RSA 167:31.

7 Rulemaking; Interstate Compact on Juveniles. Amend RSA 169-A by inserting after section 9 the following new section:

169-A:10 Rulemaking. The compact administrator of the Interstate Compact on Juveniles shall adopt rules under Article XII of the compact in accordance with RSA 541-A.

8 Rulemaking; Child Protection Act. Amend RSA 169-C by inserting after section 3 the following new section:

169-C:3-a Rulemaking. The director of the division of welfare shall adopt rules under RSA 541-A relative to:

I. Information contained in the central registry under RSA 169-C:35.

II. Access to confidential records under RSA 169-C:36.

III. The authority to investigate reports of institutional abuse or neglect under RSA 169-C:37.

9 Investigations. Amend RSA 169-C:37 (supp) as inserted by 1979, 361:2 by striking out said section and inserting in place thereof the following:

169-C:37 Institutional Abuse and Neglect. The office of the attorney general shall be empowered to receive and investigate reports of institutional abuse or neglect at the youth development center, Laconia state school, and New Hampshire hospital; and the bureau shall be empowered to receive and investigate reports of all other suspected instances of institutional abuse or neglect. Either the office of the attorney general or the director of the division or both may adopt rules consistent with this authority to investigate such reports and take appropriate action for the protection of children.

10 Rulemaking; Interstate Compact. Amend 170-A by inserting after section 6 the following new section:

170-A:7 Rulemaking. The compact administrator of the Interstate Compact on the Placement of Children shall adopt rules under Article VII of the compact in accordance with RSA 541-A.

11 Rulemaking; Adoptive Care. Amend RSA 170-F:3 (supp) as inserted by 1977, 508:1 by striking out said section and inserting in place thereof the following:

170-F:3 Rulemaking. The director of the division of welfare shall adopt rules under RSA 541-A relative to:

I. The criteria for eligibility for subsidy payments under RSA 170-F:4.

II. The procedure to be used by public agencies and licensed child-placing agencies in making recommendations under RSA 170-F:5.

III. The criteria for the amount and duration of adoption subsidy payments.

12 Cost Control Reports. Amend RSA 167 by inserting after section 61 the following new section:

167:62 Cost Control Reports. The division of welfare shall report at least annually to the health and welfare oversight committee of the general court established under RSA 126-A:8 as to the division's efforts to control costs of the medical assistance program. Such report shall include at least the following information:

I. A description of actions taken to manage the utilization of services by clients so that each client receives only medically necessary types and levels of services, with an explanation of how such efforts have controlled program costs without harming clients.

II. A description of efforts to control rates of payment or reimbursement made to providers of services, with an explanation of how such efforts have controlled program costs without unduly reducing either the number or the quality of available, participating providers.

III. A description of actions taken to curb fraud and abuse, with an explanation of how such actions have controlled program costs without unduly increasing administrative expenses.

IV. Any legislation needed to improve the ability of the division of welfare to control program costs, including the specific expected costs and benefits of any such legislation.

13 Finding and Purpose. The general court finds that there is a need to examine the relationship of private health insurance carriers to the state's medical assistance program, and the role of private health insurance carriers and the medicare program in controlling overall health care costs in the state. The general court wishes to determine what legislative, executive or administrative actions are necessary to stabilize and control health care costs through coordination of public and private insurance activities.

14 Committee Created. There is hereby created the joint study committee on health care costs. The committee shall consist of 2 members of the house committee on health and welfare; 2 members of the house committee on commerce, housing and consumer affairs; 2 members of the senate committee on public institutions and health and welfare; and 2 members of the senate committee on insurance. House members shall be appointed by the speaker and senate members by the president. The committee shall choose a chairman, a vice chairman and a clerk from their number.

15 Committee Charge.

I. The committee shall undertake a study of the role of nonprofit and for-profit private insurance companies in controlling overall health care costs, and

the current level of cooperation between such companies and the New Hampshire division of welfare in controlling such costs.

II. The study shall include consideration of at least the following:

(a) whether the type of services or level of care covered by private insurance and state medical assistance could be modified to include less costly types of care, levels of care, modes of delivery, or locations of services.

(b) whether adequate controls exist to prevent unwarranted increases in rates of reimbursement claimed by providers, including prevention of fraud and abuse.

(c) whether adequate cooperation now exists between the public and private sectors in sharing information, coordinating services, or otherwise controlling overall costs.

16 Report. The committee shall issue its report no later than November 1, 1984. The report shall include at least the committee's findings as to the specific items listed above and the committee's recommendations to improve health care costs controls. Recommendations may include suggested changes in the state's medicaid, insurance or other laws; suggested executive orders of the governor; suggested administrative actions by the department of health and welfare, the department of insurance or any other state agency; or any combination thereof.

17 Cooperation. The general court hereby directs the department of health and welfare, the department of insurance, the legislative budget assistant, and all other state agencies to cooperate fully with the committee. The general court requests the voluntary assistance of private insurance carriers, academic or other experts, associations of insurance or health care practitioners, and other persons or groups.

18 Sunset; Department of Health and Welfare - Division of Welfare Renewed. The department of health and welfare - division of welfare, PAU 050305, is hereby renewed to comply with RSA 17-G. The agency or program shall terminate on July 1, 1989, subject to RSA 17-G.

19 Effect of Later Enactments. Passage of this act renewing the department of health and welfare - division of welfare shall not limit any subsequent legislative action affecting this agency or program. The general court shall retain its full power to make amendments to or to terminate the department of health and welfare - division of welfare, pursuant to RSA 17-G:9.

20 Effective Date.

I. This act shall take effect upon its passage.

II. Sections 13, 14, 15, 16, 17 and 18 of this act shall expire on December 1, 1984.

HB 138-FN, relative to sunset review of the board of probation. Inexpedient to Legislate.

The subject matter of this bill is included in HB 142-FN as amended, which establishes a Department of Probation and Parole. Vote 16-0. Rep. Donna P. Sytek for Judiciary.

HB 332, permitting municipal court justices to hear district court cases when the district court justice is disqualified or unable to hear the case. Inexpedient to Legislate.

There are current statutes providing for hearings' officers when a justice must disqualify himself or herself, and this change would reverse the trend toward requiring such persons to be members of the bar. Vote 14-1. Rep. Frank J. Sylvia for Judiciary.

SB 16, increasing the jurisdictional amount of the small claims court. Refer for Interim Study.

The increase in jurisdictional limits for small claims is meritorious and deserving of consideration, but it poses a possible conflict in the existing laws relative to appeals and would cause confusion among those who would normally utilize this procedure. It would also be used as a delaying tactic and would further crowd court dockets, which make further study and refinement the better approach for coordination with other statutes and constitutional provisions. Vote 14-0. Rep. Frank J. Sylvia for Judiciary.

HB 145-FN, relative to sunset review of the labor department - inspection division. Ought to Pass with Amendment.

This amendment creates a boiler and elevator inspection fund and establishes fees connected with such inspections. It also provides for inspectors as employees of the Department of Labor. This fund will be self-sustaining. Vote 14-0. Rep. John W. Flanders for Labor, Human Resources and Rehabilitation.

#### Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 New Section. Amend RSA 157-A by inserting after section 13 the following new section:

157-A:14 Boiler and Elevator Inspection Fund. There is hereby established a boiler and elevator inspection fund for the purposes of this chapter and RSA 157-B. All funds collected pursuant to this chapter and RSA 157-B shall be credited by the state treasurer to the fund and shall not lapse. Operation of the boiler and elevator inspection program of the department of labor shall be a charge against the boiler and elevator inspection fund.

4 Fee Schedule. Amend RSA 157-A:3 as inserted by 1967, 236:1 as amended by striking out said section and inserting in place thereof the following:

157-A:3 Rules.

1. The commissioner shall formulate definitions and adopt rules consistent with the boiler and pressure vessel code of the American society of mechanical engineers, with the amendments and interpretations thereto made and approved by the council of the society, to carry out the purposes of this chapter. In addition, the commissioner may adopt rules

to facilitate administration and enforcement of this chapter.

II. All rules adopted by the commissioner under authority granted by this chapter shall be adopted as provided by RSA 541-A.

5 Charge for Department of Labor Inspectors. Amend RSA 157-A by inserting after section 3 the following new section:

157-A:3-a Charge for Inspection. The commissioner shall charge \$10 per hour, with a minimum charge of \$10, for inspections performed by employees of the department of labor.

6 Fees Raised. Amend RSA 157-A:7, II as inserted by 1967, 236:1 as amended by striking out said paragraph and inserting in place thereof the following:

II. A license shall be issued by the commissioner to an inspector for a 2-year period. A fee of \$30 shall be charged for the license. A license may be renewed every 2 years upon payment of a fee of \$20. Employees of the department of labor shall not be charged for the issuance or renewal of a license.

7 Fee Imposed. Amend RSA 157-A:9-a, I as inserted by 1975, 441:2 by striking out said paragraph and inserting in place thereof the following:

I. Inspectors shall prepare inspection certificates in accordance with a form issued by the commissioner. A fee of \$15 shall be charged for each certificate.

8 Crediting New Fund. Amend RSA 157-A:11 as inserted by 1967, 236:1 as amended by striking out said section and inserting in place thereof the following:

157-A:11 Disposition of Fees. All moneys collected under this chapter shall be deposited with the state treasurer and credited to the boiler and elevator inspection fund established by RSA 157-A:14.

9 Fee Imposed. Amend RSA 157-B:5, I as inserted by 1975, 413:1 by striking out said paragraph and inserting in place thereof the following:

I. Inspectors shall prepare inspection certificates in accordance with a form issued by the commissioner. A fee of \$15 shall be charged for each certificate.

10 New Paragraph. Amend RSA 157-B:5 by inserting after paragraph VII the following new paragraph:

VIII. For inspections conducted by inspectors who are employees of the department of labor, the commissioner shall charge a \$10 for each hour spent by a department of labor inspector, with a minimum charge of \$10 per inspection.

11 Fees Raised. Amend RSA 157-B:8 as inserted by 1967, 310:1 by striking out said section and inserting in place thereof the following:

157-B:8 Inspectors. An elevator inspector shall pass an examination given by the commissioner, except in cases in which an elevator inspector has proven to the satisfaction of the commissioner experience in excess of 5 years within the state. A license shall be issued to the inspector for a 2-year period. A fee of \$30 shall be charged for the initial examination and license. A license may be renewed every 2 years upon payment of a fee of \$20.

Employees of the department of labor shall not be charged for the issuance or renewal of a license. A person who holds a certificate or license of competency as an inspector of elevators from a state that has a standard of examination equal to that of this state may be issued a license without examination upon payment of a fee of \$20. The commissioner may revoke any license issued by him for cause shown, after a hearing. The holder of a license under question shall receive 7 days' written notice informing him of the charges against him and of the time and place of the hearing.

12 Fee Raised. Amend RSA 157-B:9 as inserted by 1967, 310:1 by striking out said section and inserting in place thereof the following:

157-B:9 Installation of New Elevators. Detailed plans or specifications of each new or altered elevator shall be submitted to and approved by the commissioner or his authorized representative before the construction of the elevator may be started. Fee for examination of the plans or specifications is \$1 per \$1,000 of the valuation of the elevator as covered by the blue prints. The minimum fee is \$25.

13 Crediting New Fund. Amend RSA 157-B:14 as inserted by 1967, 310:1 as amended by striking out said section and inserting in place thereof the following:

157-B:14 Disposition of Fees. All moneys collected under this chapter shall be deposited with the state treasurer and credited to the boiler and elevator inspection fund as established by RSA 157-A:14.

14 Rules. Amend RSA 157-B:18 as inserted by 1975, 413:4 by striking out said section and inserting in place thereof the following:

157-B:18 Rules. The commissioner may adopt rules under RSA 541-A to facilitate administration and enforcement of this chapter.

15 Application of Receipts. Amend RSA 6:12, I (supp) as inserted by 1981, 500:2 as amended by striking out said paragraph and inserting in place thereof the following:

I. Moneys received by the state treasurer, as provided in RSA 6:11, shall be available for general revenue of the state with the following exceptions:

(a) Moneys received by the state sweepstakes commission, which shall be credited to the sweepstakes special fund.

(b) Moneys received by the fish and game department, which shall be credited to the fish and game fund.

(c) Fines received for violations of RSA 214:12, which shall be credited to the fish and game fund.

(d) Contributions received under RSA 72:1, which shall be credited to the fish and game department as provided in that section.

(e) Fees certified by the chairman of the public utilities commission under RSA 107-B, which shall be credited to the New Hampshire nuclear planning and response fund.

(f) Fees and fines from the division of motor vehicles, which, after deducting the amount allowed by the

legislature for maintaining said division and \$150,000 annually for maintaining in part the division of state police, shall be credited to the public works and highways department for maintenance of highways.

(g) Moneys received by the police standards and training council, which shall be credited to the police standards and training council training fund.

(h) Fines and costs from the division of state police of the department of safety, which shall be credited to the public works and highways department for maintenance of highways.

(i) Ninety percent of the filing fees collected by the board of tax and land appeals under RSA 498-A, which shall be credited to the highway fund.

(j) Revenues from fees, rentals and the sale of products from lands under the jurisdiction of the department of resources and economic development, which shall be credited as provided under RSA 219.

(k) All moneys, fees and fines and sales included within the weights and measures fund established by RSA 359-A:36.

(l) Fees collected by the public utilities commission of railroads and public utilities for money paid out by the commission to experts and assistants not in its regular employ, which fees shall be appropriated to reimburse the state for money so paid out.

(m) Monies received under RSA 457:29, which shall be credited to the special fund for domestic violence programs.

(n) The share of the normal yield tax going to the department of resources and economic development under RSA 79:14, which shall be credited to the unincorporated places forest conservation fund.

(o) Moneys received for sending children to the special education program of the child and adolescent unit at the New Hampshire hospital pursuant to RSA 186-C:20.

(p) Money received under RSA 125:62-a, 143:11, and 184:85, which shall be credited to the public health services special fund.

(q) Moneys received under RSA 157-A and 157-B, which shall be credited to the boiler and elevator inspection fund established by RSA 157-A:14.

#### 16 Appropriation.

I. There is hereby appropriated to the department of labor for the purpose of this act the following sums:

(a) For the fiscal year ending June 30, 1984, \$90,379.42.

(b) For the fiscal year ending June 30, 1985, \$118,410.82.

II. The governor is authorized to draw his warrant for said sums from sums in the boiler and elevator inspection fund established by RSA 157-A:14.

17 Effective Date. This act shall take effect upon its passage.

Referred to Appropriations.

HB 398-FN, relative to the definition of public employee and supervisor. Inexpedient to Legislate.

This measure is already covered in the national Labor Relations Act and also by law established by court cases as to duties of supervisory personnel. Vote 14-0. Rep. Merino Romoli for Labor, Human Resources and Rehabilitation.

HB 399-FN, relative to responsibility for damages resulting from discrimination promoted or caused by the collective bargaining process. Inexpedient to Legislate.

The Public Employee Labor Relations Board testified that the bill "appears to add a very unnecessary item to the statutes. The subject has already been covered by the federal and state courts. The Board does not want the authority. It is a duplication of the present situation." Vote 14-0. Rep. Merino Romoli for Labor, Human Resources and Rehabilitation.

HB 221-FN, relative to boat permit fees. Inexpedient to Legislate.

It seems that the small amount of income generated by this bill would not warrant the nuisance factor and expense involved in collection. Boat fees as set by 1981 Legislature seem adequate at this time. Vote 18-0. Rep. Frank E. McIntire for Municipal and County Government.

HB 326, to provide for the option of appointment of town clerks. Inexpedient to Legislate.

The Committee feels that the integrity of the town records is best preserved by continuing the procedure of electing town clerks. Vote 15-1. Rep. John P. Lawrence for Municipal and County Government.

HB 338-FN, relative to fees collected by the registers of deeds in Carroll and Coos counties. Ought to Pass.

This legislation provides the same methods for the compensation of the register of deeds in Carroll and Coos counties as is done in the other 8 counties. Vote 16-0. Rep. David M. Perry for Municipal and County Government.

HB 342-FN, relative to increasing the maximum locally imposed fine for violation of a local bylaw. Ought to Pass.

This bill raises the maximum fine for violation of a bylaw on town ordinance from \$100 to \$1,000 for each offense. The Committee feels that this is needed as a deterrent for violators to flaunt the ordinances. Vote 19-0. Rep. John P. Lawrence for Municipal and County Government.

HB 365, making the killing of a guard dog a class B felony. Inexpedient to Legislate.

This bill would make the wilfull killing of a guard dog a Class B felony. In view of the lack of standards and definition of what constitutes a guard dog, the Committee feels that passage of this bill would only encourage some very



undesirable practices and would further no useful purpose. Vote 14-0. Rep. Richard A. Grodin for Municipal and County Government.

HB 383-FN, prohibiting tax exemptions for the legally blind who hold driver's licenses. Ought to Pass.

The Committee felt this legislation would rectify a loophole in certain tax exemption laws. Vote 18-0. Rep. Paul J. Hamel for Municipal and County Government.

SB 10-FN, revising the park boundary line of Hilton State Park. Ought to Pass. The transfer of land provided for in this bill makes it expedient to legislate. No acquisition of land at state expense is involved since the necessary addition is now state-owned. Vote 14-0. Rep. Ted A. Pelletier for Public Works.

HB 274-FN, relative to beano and a beano tax. Inexpedient to Legislate.

The Subcommittee of Regulated Revenues on beano is working to extract the best of what is in each of the numerous beano bills to be put into a final bill which will actually be a complete rewrite of the current Beano Laws. Sponsors were the only people appearing in favor of this bill. Double roomful of people appearing against. Vote 18-0. Rep. Lynn C. Horton for Regulated Revenues.

HB 308-FN, increasing the discount allowed on the price of liquor sold to on-sale permittees by the liquor commission. Ought to Pass with Amendment.

The Committee feels that the 10 percent discount given to off-premise licensees who pick up case-lots at the warehouse offsets shipping and handling costs which the Liquor Commission would have if the licensee were to pick it up at the local liquor stores. Vote 19-0. Rep. James D. Phelps for Regulated Revenues.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

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relative to the discount allowed on the price of liquor sold to on-sale permittees by the liquor commission.

Amend RSA 176:10-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

176:10-a Discount of Sales to On-Sale Permittees. When fixing the price for sale of liquor to on-sale permittees, the commission may allow discounts of not more than 10 percent from the retail sale price on case lot orders prepaid F.O.B. the warehouse.

Rep. Powers abstained from voting under Rule 16.

HB 357, relative to the acquisition of a dam in disrepair by a town or village district and proceedings before the water resources board. Ought to Pass.

This bill simplifies the procedure by which a village district may acquire a dam within its jurisdiction which needs repair. Vote 18-0. Rep. Leander W. Burdick for Resources, Recreation and Development.

HB 159-FN, relative to sunset review of centralized data processing - data processing operation. Ought to Pass with Amendment.

The Committee feels that a restructuring of the agency is highly desirable, but this change should only occur after the executive branch reorganization establishes a new organizational framework. Therefore, the Committee recommends an extension of only two years. Vote 9-0. Rep. John E. Burns for Science and Technology.

#### Amendment

Amend the bill by striking out section one and inserting in place thereof the following:

1 Sunset; Centralized Data Processing - Data Processing Operation Renewed. Centralized data processing - data processing operation, PAU 010502, is hereby renewed to comply with RSA 17-C. Notwithstanding the provisions of RSA 17-C:8, III, the agency or program shall terminate on July 1, 1985.

HB 160-FN, relative to sunset review of centralized data processing - planning and support. Inexpedient to Legislate.

This will permit the removal of a PAU which has not been operative for several years. Vote 9-0. Rep. John E. Burns for Science and Technology.

HB 161-FN, relative to sunset review of centralized data processing - systems development. Ought to Pass with Amendment.

The Committee feels that a restructuring of the agency is highly desirable, but this change should only occur after executive branch reorganization establishes a new organizational framework. Therefore, the Committee recommends an extension of only two years. Vote 10-0. Rep. John E. Burns for Science and Technology.

#### Amendment

Amend the bill by striking out section one and inserting in place thereof the following:

1 Sunset; Centralized Data Processing - Systems Development Renewed. Centralized data processing - systems development, PAU 010504, is hereby renewed to comply with RSA 17-C. Notwithstanding the provisions of RSA 17-C:8, III, the agency or program shall terminate on July 1, 1985.

HB 162-FN, relative to sunset review of centralized data processing - agency revenues. Ought to Pass with Amendment.

The Committee feels that a restructuring of the agency is highly desirable, but this change should only occur after executive branch reorganization establishes a new organizational framework. Therefore, the Committee recommends an extension of only two years. Vote 11-0. Rep. John E. Burns for Science and Technology.

#### Amendment

Amend the bill by striking out section one and inserting in place thereof the following:

1 Sunset; Centralized Data Processing - Agency Revenues Renewed. Centralized data processing - agency revenues, PAU 010505, is hereby renewed to comply with RSA 17-G. Notwithstanding the provisions of RSA 17-G:8, III, the agency or program shall terminate on July 1, 1985.

HB 273-FN, requiring presidential primary checklists to be deposited at the state archives and with the clerk of the federal district court. Ought to Pass with Amendment.

This bill, as amended, requires presidential primary checklists to be deposited at the State Archives and Federal District Court. Also, it makes housekeeping changes in election laws. Vote 9-0. Rep. Natalie S. Flanagan for Statutory Revision.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

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requiring presidential primary checklists to be deposited at the state archives and with the clerk of the federal district court and making certain other changes in the election laws.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Change in Date for Assumption of Office. Amend RSA 653:10 (supp) as inserted by 1979, 436:1 by striking out in line 4 the word and number "January 1" and inserting in place thereof the following (the first Wednesday after the first Tuesday in January) so that said section as amended shall read as follows:

653:10 Assumption of Office. Federal officers-elect shall assume office on the date set by the U.S. Constitution. State officers-elect shall assume office on the date set by the New Hampshire Constitution. County officers-elect shall assume office on the first Wednesday after the first Tuesday in January of the year following the state general election at which they were elected.

2 Change in Date for Corrections and Additions to Checklist. Amend RSA 654:28 (supp) as inserted by 1979, 436:1 by striking out in line 11 the word "Wednesday" and inserting in place thereof the following

(Friday) so that said section as amended shall read as follows:

654:28 Procedure. The supervisors of the checklist shall hear all applications for a correction of the checklist and the evidence submitted thereon and shall correct it according to their best knowledge so that it contains only the names of those persons qualified to vote at said election. The names of all persons not qualified to vote at the time of any session, but who shall clearly be qualified to vote on election day, may be added to the checklist at that session. No additions or corrections shall be made after 6:00 p.m. Saturday 10 days prior to election day, as provided in RSA 659:12. The additions and corrections resulting from such sessions shall be made to the previously posted checklist on or before midnight on the succeeding Friday either by additions or corrections to said checklist or by posting a new corrected checklist. Notice of such additions or corrections to the checklist shall also be given to the town or city clerk.

3 Clarification of Office. Amend RSA 656:7 (supp) as inserted by 1979, 436:1 by inserting in line 4 after the word "congress," the following (executive) so that said section as amended shall read as follows:

656:7 Order of Offices. The order in which the officers to be voted for shall be placed in the party columns aforesaid shall be as follows: Electors of president and vice-president of the United States, governor, United States senator, representatives in congress, executive councilor, state senator, representative to the general court and county officers.

4 Change in Number of Ballots. Amend RSA 656:19 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

656:19 Number. At each state general election, the secretary of state shall furnish each town or city a number of ballots at least equal to the number of registered voters in that town or city at the last state general election.

5 Change in Number of Ballots. Amend RSA 656:26 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

656:26 Number. The secretary of state shall furnish to each town or ward clerk the state primary election ballots of each political party in a number at least equal to the number of voters of each respective party on the checklist as used at the last preceding state primary election.

6 Change in Number of Places for Posting Sample Ballots. Amend RSA 656:28 (supp) as inserted by 1979, 436:1 by striking out in line 6 the number "3" and inserting in place thereof the following (2) so that said section as amended shall read as follows:

656:28 Sample Ballots. The secretary of state shall furnish 10 sample state primary election ballots of each political party printed on white paper to each town or ward clerk and, upon request, a reasonable number of such sample ballots to each person whose name appears upon the ballot as a candidate. Each town or ward clerk shall

post one sample ballot of each political party in each of 2 public places in his town or ward within one day of receiving such sample ballots and save the remainder to be posted on the day of the primary as provided in RSA 658:26.

7 Change in Date for Appointing Inspectors of Election. Amend RSA 658:2 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

658:2 Appointment. Each town and ward political committee of the 2 political parties which cast the largest number of votes for governor in the state at the last previous general election is authorized to appoint between September 15 and October 15 of each general election year 2 inspectors of election to act at each polling place. If the number of voters qualified to vote at a polling place shall exceed 2000, said political committees may each appoint for such polling place one additional inspector for each 1500 qualified voters or fraction thereof in excess of 2000. The town and ward political committees may also appoint such additional inspectors, equally divided between said 2 political parties, as the moderator considers necessary for the efficient conduct of the election. On or before October 15, the chairman of said political committees shall notify the appointees and the town or ward clerk and city clerk concerned as to appointments made under this authority. If any such appointments are not made by said political committees and proper notification thereof given on or before October 15, then the appointments shall be made by the selectmen of the town or ward in equal numbers from said 2 political parties.

8 Clarifying Qualification for Inspector of Checklist. Amend RSA 658:3 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

658:3 Qualifications. The inspectors of election shall be registered to vote at the polling place where they serve.

9 Increasing Hours for Keeping Polls Open in Cities. Amend RSA 659:7 (supp) as inserted by 1979, 436:1 by striking out in line 2 the number "4" and inserting in place thereof the following (8) so that said section as amended shall read as follows:

659:7 In Cities. At all state elections in cities, the polls shall be open not less than 8 hours and may be open not earlier than 6 o'clock in the forenoon of the day of the election, nor later than 8 o'clock in the evening, as the city councils in said cities shall determine at least 30 days prior to said state election.

10 Eliminating Publication of Presidential Primary Result. Amend RSA 659:92 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

659:92 Canvass; Publication. When, for each political party having an official presidential primary election ballot, the secretary of state has received the returns for the office of president from all towns and wards in the state, he shall examine, record and total such returns, which shall be a matter of public record.

11 Depositing Presidential Primary Checklist. Amend RSA 659:102 (supp) as inserted by 1979, 436:1 as amended by striking out said section and inserting in place thereof the following:

659:102 Preservation of Checklists. Within 10 days of the closing of the polls for each regular state general election, and for each presidential primary election, the supervisors of the checklist in the towns, and the corresponding officers in the cities, shall send one of the marked checklists which were used in that election, certified by the officers, to the state archives. In addition, they shall send one of the unmarked checklists which were used in the state general election at which a president was elected to the clerk of the federal district court for the district of New Hampshire. One marked copy of every checklist used in any election shall be turned over to the town or city clerk by the supervisors. The clerk shall preserve such checklists in his custody for a public record for a period of no less than 5 years.

12 Clarification of Notice to Candidates. Amend RSA 664:22 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

664:22 Notice to Candidates. The secretary of state shall give or send by mail a copy of this chapter to each person whose name will be printed on a state primary or general election ballot. Such notification shall be given or sent within 5 days of the close of the filing period.

13 Clarification of Office. Amend RSA 668:4 (supp) as inserted by 1979, 436:1 by inserting in line 4 after the word "representative" the following (executive) so that said section as amended shall read as follows:

668:4 Offices Voted For. The offices for which inhabitants of unorganized places are entitled to vote shall include: Electors of the president and vice-president of the United States, United States senator, United States representative, executive councilor, state senator, state representative, and county offices. The inhabitants of the unorganized places are not entitled to vote for any town or ward offices or on any questions concerning the towns in which they vote.

14 Effective Date. This act shall take effect 60 days after its passage.

HB 297-FN, establishing a state ethics commission and ethical standards for public employees and public officials. Ought to Pass with Amendment.

The Committee agrees an ethics bill is needed and would like HB 297, as amended, returned to Committee for further study. Vote 9-0. Rep. Natalie S. Flanagan for Statutory Revision.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

establishing a committee to study ethics in government.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Purpose and Policy. It shall be the policy of the state that an independent and impartial operation of public office is a public trust and that the realization of personal financial gain through public office other than compensation provided by law is a violation of that trust. The citizens of the state have a right to be assured that the financial interests of public officials and public employees present neither a conflict nor the appearance of a conflict with the public trust. In order to strengthen that assurance, this act establishes a committee to study ethics in government.

## 2 Committee Established.

I. There is hereby established a committee on ethics in government consisting of 5 members as follows:

(a) Two members of the house of representatives, one from each party, appointed by the speaker of the house;

(b) Two members of the senate, one from each party, appointed by the president of the senate; and

(c) One person appointed by the governor.

II. The legislative members of the committee shall receive legislative mileage. A non-legislative member of the committee shall receive state employee mileage. All members of the committee shall be reimbursed for their reasonable expenses incurred in performing the provisions of this act. Any sums expended under this section shall be a joint legislative expense.

## 3 Study and Report.

I. The committee shall perform a study on ethics in government which shall include, but shall not be limited to, the following issues involving public officials and public employees:

(a) Conflicts of interest in decision making, financial or otherwise;

(b) Receipt and making of gifts;

(c) Use of confidential information;

(d) Representation of persons in transactions involving the state;

(e) Contracts with the state; and

(f) The establishment of a state ethics commission.

II. On or before January 1, 1985, the committee shall compile the results of its study together with any recommendations for legislation in the form of a report, which shall be delivered to the governor, the president of the senate and the speaker of the house of representatives.

III. The house committee research staff shall make its services available for purposes of the study and report when requested to do so by the committee.

IV. All agencies of the state and the governor's council shall provide such information for the study and report as requested by the committee.

3 Termination. The committee shall cease to exist upon delivery of its report.

4 Effective Date. This act shall take effect 60 days after its passage.

HB 350, prohibiting political advertising from being displayed on law enforcement and government vehicles. Ought to Pass.

This bill prohibits the use of political advertising materials on cars authorized for state or government use. Vote 8-0. Rep. Natalie S. Flanagan for Statutory Revision.

HB 361, requiring the checklist used at any state election to include the full name, address, and political affiliation of each voter. Ought to Pass.

This bill will help eliminate voter fraud - addresses can be taken from voter registration cards. Vote 8-1. Rep. Natalie S. Flanagan for Statutory Revision.

HB 284-FN, exempting privately owned school buses from the gas tax. Ought to Pass with Amendment.

This bill makes it possible for school districts that contract for their school bus transportation to receive a road toll refund on gasoline and diesel fuel used. Since school districts, which lease or own their school buses, now may receive the refund, this bill puts all school districts on an equal basis in this regard. Vote 13-0. Rep. Irvin H. Gordon for Transportation.

## Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Private School Bus Owners Entitled to Gas Tax Refund. Amend RSA 260:47 as inserted by 1981, 146:1 by striking out said section and inserting in place thereof the following:

260:47 Refunds.

I. Any person who shall use any motor fuel, with respect to which the road toll has been paid, in any way other than in motor vehicles for the purpose of generating power for the propulsion thereof upon a way, or the state of New Hampshire or its agencies, or any city, town, county, school district or village district which purchases motor fuel from a retail dealer and which uses such motor fuel in its own vehicle, shall be entitled to a refund to the extent of the amount of said toll so paid with respect to such motor fuel; provided, however, that no person, except an organized club for snow traveling vehicles, shall be entitled to a refund for an amount less than \$10. For the purposes of this section, a school district shall be deemed to be using motor fuel in its own vehicles if it qualifies as an owner of the vehicle under RSA 259:72. The right to receive any refund under this section shall not be assignable and any assignment thereof shall be void. Provided, however, members of an organized club for snow traveling vehicles may assign



individual rights to a refund under this section to their respective clubs for the expansion and maintenance of club trails. With the exception of refunds made to snow traveling vehicle clubs, and refunds made to school districts as hereinafter provided for fuel consumed by private school buses when used exclusively to transport pupils to and from public schools or public school activities by virtue of a contract with a municipality, municipal board, or school board authorities, no payment of any refund shall be made to any person other than the original person entitled to it and using or selling motor fuel as set forth in this paragraph.

II. Any public school district which employs the owner of a private school bus or school bus line while being used exclusively to transport pupils to and from public schools or public school activities by virtue of a contract with the municipality, municipal board, or school board authorities shall be entitled to a refund to the extent of the amount of road toll paid with respect to motor fuel consumed by such private school bus or school bus line while being used exclusively to transport pupils to and from public schools or public school activities by virtue of a contract with the municipality, municipal board, or school board authorities; provided, however, that no school district shall be entitled to a refund for an amount less than \$10 and no payment of any refund shall be made to any person other than the public school district entitled to it and using motor fuel as set forth in this paragraph.

III. Any person who shall be entitled to a refund of the road toll with respect to any motor fuel under the provisions of this subdivision shall be reimbursed to the extent of the amount of the road toll paid on such motor fuel in the following manner and subject to the following conditions:

(a) All applications for refunds shall be made under penalties of perjury and shall be filed with the department no later than the deadline for filing with the federal government for refund of the federal excise taxes on fuel. This filing deadline may be waived by the commissioner for just cause for agencies of political subdivisions within the state. Such waiver shall not be granted to any such agency more often than once in 3 years.

(b) Such application shall be in such form as the department shall prescribe and shall contain such information as shall give the director a full and complete basis for determining the validity of the claim.

(c) Such application shall be accompanied by an invoice showing such purchase, together with evidence of payment of the invoice satisfactory to the director.

IV. When the above conditions have been fully complied with and the director is satisfied, after investigation, that the claim is valid, he shall determine the amount of the refund due on such application, and shall certify such amount and the name of the person entitled to the

refund to the state treasurer. The person entitled to a refund of the road toll paid by the owner of a private school bus or school bus line shall be the public school district contracting with the owner of the private bus or line, and such public school district shall receive the refund moneys from the state treasurer as additional revenue to pay for the expenditures enumerated in RSA 198:2. The state treasurer shall thereupon make such certified refund from said road tolls.

2 Refund on Tax Paid on Diesel Fuel. Amend RSA 260 by inserting after section 52 the following new section:

260:52-a Refunds to School Districts.

1. A public school district shall be entitled to a refund of any tolls paid by the owner of a private school bus or school bus line when it is being used exclusively to transport pupils to and from public schools or public school activities by virtue of a contract with a municipality, municipal board, or school board authorities to the extent of the amount of said tolls so paid with respect to such fuel other than motor fuel which was used exclusively in the transportation of pupils to and from said public schools or public school activities by virtue of the contract with the municipality, municipal board, or school board authorities; provided, however, that no school district shall be entitled to a refund for an amount less than \$10 and no payment of any refund shall be made to any person other than the public school district entitled to it; and further provided that the entitlement to a refund shall not include a refund on any penalties or interest paid by the user. The application for a refund filed by the school district shall be accompanied by such documentary evidence as the director may require.

II. All applications for refunds shall be made under penalties of perjury no later than 2 years after the report as required by RSA 260:52, XI was filed by the user for the period claimed. The filing deadline may be waived by the commissioner for just cause. Such waiver shall not be granted to any such school district more than once in 3 years.

3 Effective Date. This act shall take effect 60 days after its passage.

HB 394-FN, amending various provisions of the motor vehicle laws. Ought to Pass with Amendment.

The substance of this bill, which was requested by the Department of Safety, is mainly to correct wording and explain in more detail some sections of the statutes. The amendment eliminates a section already covered by a bill passed by this House earlier in the session. Vote 13-0. Rep. Irvin H. Gordon for Transportation.

#### Amendment

Amend RSA 259:90 as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

259:90 Revocation. "Revocation" shall mean the termination by formal action of the

department or of a court of competent jurisdiction of a person's driver's license or privilege to drive on the ways of this state, or of any other license, registration or permit issued by the department. After a license, registration, permit or privilege has been revoked, no application for a new license, registration, permit or privilege may be acted upon by the department until the expiration of the period of revocation. Said revocation of any license, registration, permit or privilege shall remain in effect until a new license, registration or permit has been issued or the privilege has been restored.

Amend the bill by striking out section 12 and renumbering sections 13-21 to read as 12, 13, 14, 15, 16, 17, 18, 19 and 20, respectively.

Amend the bill by striking out section 20 and inserting in place thereof the following:

20 Effective Date.

I. Section 15 of this act shall take effect January 1, 1983.

II. The remainder of this act shall take effect 60 days after its passage.

HB 269-FN, increasing the license fee for billiard tables, pool tables and bowling alleys. Inexpedient to Legislate.

The Committee in unanimous vote determined that the current licensing fees for each billiard table, pool table and bowling alley were fair and proper, and that a fee increase was not warranted by the costs of regulation and would be extraordinarily burdensome on the industry. Vote 18-0. Rep. Robert L. Jones for Ways and Means.

#### COMMITTEE REPORTS (Regular Calendar)

HB 114-FN, relative to sunset review of the N.H. higher education and health facilities authority. Ought to Pass with Amendment.

The Committee supports the Commerce, Housing and Consumer Affairs Committee report to continue the N.H. Higher Education and Health Facilities authority until July 1, 1989. The amendment strikes out Section 3 creating a new PAU. The Committee feels the present statute provides for the necessary financial oversight. Vote 17-1. Rep. Andrea A. Scranton for Appropriations.

#### Amendment

Amend the bill by striking out section 3 and renumbering section 4 to read as 3.

Amendment adopted.  
Ordered to third reading.

HB 156-FN, relative to sunset review of the department of resources and economic development - administration and support. Ought to Pass with Amendment.

The Committee amended the bill to bring Joint Promotional Program within the Chapter law. The program has been

successful as presently administered, therefore, original wording has been restored. Vote 17-0. Rep. William F. Kidder for Appropriations.

#### Amendment

Amend the bill by striking out all after section 19 and inserting in place thereof the following:

20 Joint Promotional Program. Amend RSA 12-A by inserting after section 1-d the following new section:

12-A:1-e Joint Promotional Program. A joint promotional advertising program is hereby established to carry out the duties of the department of resources and economic development as set forth in RSA 12-A:1-c to publicize the advantages of the state of New Hampshire for tourism and to encourage continuous partnership with private industry in this promotion in order to maintain a viable and strong economic base in the state. To achieve this:

I. The department of resources and economic development shall administer a joint promotional advertising program in cooperation with the New Hampshire Travel Council. The funds appropriated for this program shall be expended for grants for advertising programs entered into with independent groups or organizations which are designed to promote travel and tourism in the state of New Hampshire.

II. The funds shall be expended provided that 50 percent matching funds are paid from private sources. Such grants shall be given only to regional associations, statewide tourist groups or chambers of commerce that have been in existence at least 3 years.

III. Grants applications shall be screened by a select committee appointed by the New Hampshire travel Council, Inc., made up of 7 of their members who shall be representatives of a chamber of commerce, regional association, ski area, attraction, campground and lodging, and shall formulate such rules and procedures for the operation of the program as they consider necessary. This committee shall make recommendations on grant applications to the director of the office of vacation travel. Rejection of a recommended grant application by the director shall show proper cause.

IV. Grants shall not be used for administrative salaries or overhead expenses of any applicant selected for a grant. The funds hereby reserved shall not be transferred or expended for any other purpose.

21 Effective Date. This act shall take effect upon its passage.

Rep. Rounds moved that HB 156 be recommitted to the Committee on Appropriations, and spoke to his motion. Rep. Kidder spoke in favor of the motion. Adopted.

HB 217-FN, relative to forgivable loans to students pursuing postsecondary programs leading to certification as teachers of mathematics or science and making an appropriation therefor. Ought to Pass with Amendment.

In order to alleviate the critical shortage of mathematics and science teachers in the state, HB 217 sets up a program of forgivable loans to students who agree to teach these subjects in New Hampshire public schools. Students who go on to teach in these areas upon being certified shall have their loans forgiven at the rate of \$2,000 for each year of teaching. Students who fail to complete the certification program or who fail to teach shall be required to repay the loan with interest. The bill appropriates \$100,000 for the next biennium. Vote 14-3. Rep. Betty Jo Taffe for Education.

#### Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:  
2 New Subdivision. Amend RSA 188-D by inserting after section 18 the following new subdivision:

Mathematics and Science Teacher Loans  
188-D:19 Forgivable Loan Program.

I. The postsecondary education commission shall administer a program of forgivable loans to be applied to the cost of college education for students enrolled in approved teacher education programs leading to certification as teachers of mathematics, physics, chemistry, biology, geology, earth science, mathematics-physical science, computer science, natural science, general science, or any combination of such subjects, in which it is determined that there is a shortage of teachers in the state.

II. Financial assistance shall be provided to qualified students who are domiciled in New Hampshire and have been domiciled in New Hampshire for at least one year prior to filing for aid under this subdivision and who are students at institutions with programs approved by the state board of education which lead to teacher certification in the included subjects. Such students may include:

- (a) Teachers attempting to change their area of certification;
- (b) Former teachers attempting to become recertified;
- (c) Other college graduates seeking teacher certification;
- (d) College undergraduates;

and  
(e) Students in 5-year education programs.  
If sufficient funds are not available for all loans requested by qualified persons, loan recipients in good standing from the previous year shall have priority over new applicants. New applicants shall receive loans from available funds with priority given to those applicants who require the least amount of time to complete certification requirements and become active teachers.

188-D:20 Eligibility. The commission shall authorize loans on the basis of the financial need and academic qualifications of the student and on the basis of the needs of the state for a teacher of an included subject. The recipient shall maintain the

equivalent of at least a 2.5 grade point average on a 4 point scale at the institution of higher education which he attends and make normal progress toward receiving certification in one of the included subjects determined to have a teacher shortage in order to remain in the loan program.

188-D:21 Note. A student receiving a loan shall sign a note to the state comptroller for the amount of the loan. Each note shall be enforceable in an action for debt. If the student signing the note is a minor, the note shall be endorsed by a responsible adult. In addition, it shall not be a defense to an action for debt that the recipient was a minor when the note was executed. A minor and responsible adult signing a note together shall each individually be responsible for repayment if repayment is required. Each student shall be required to agree in writing to teach the subject in which he becomes certified at a public middle school, junior high school or senior high school in New Hampshire for a number of years as specified in RSA 188-D:26 as a condition of the student's receipt and the eventual forgiveness of the loan.

188-D:22 School Choice. No person to whom a loan is made shall be restricted to the choice of postsecondary institution, approved as to program as provided in RSA 188-D:19, either inside or outside of the state. However, a student may use his loan in another state only if that other state permits a student from that other state to use a similar loan from his state in New Hampshire. No student may use his loan out-of-state unless given specific permission to do so by the postsecondary education commission.

188-D:23 Amount of Loan. The postsecondary education commission shall determine the exact amount of the loan to be given to each student. Each loan shall be for one academic year in a specified amount determined by the parameters of the program as set forth in the rules adopted relative to the program.

188-D:24 Revolving Fund. Notwithstanding RSA 6:12 or any other provision of law to the contrary, any repayments made to the state relative to this program shall be credited to the loan fund for use in making new loans. The monies in said fund shall be nonlapsing and shall be used only for the purposes of this program. Any monies appropriated for the loan fund, any contributions made to it and all repayments made shall be held by the state treasury in a separate account.

188-D:25 Continuation of Program. The loan program established by this subdivision shall continue to be funded until such time as the state board of education shall certify to the postsecondary education commission and to the general court that there is no longer a critical need for teachers of any subjects listed in RSA 188-D:19.

188-D:26 Commitment. As a part of the note the student signs upon receipt of his loan, there shall be included a section specifying that, in return for the loan, the student agrees upon his certification as a

qualified teacher to teach the subjects which qualified him for his loan in New Hampshire as provided in RSA 188-D:21 for a term of years to be determined by reference to the repayment schedule to be adopted as a rule by the postsecondary education commission based upon the amount of the loan. A loan recipient shall be forgiven up to the amount of \$2000 for each academic year the recipient spends teaching. The recipient shall teach for a full academic year to be forgiven any amount.

188-D:27 Repayment: Forgiveness.

I. All recipients of loans shall sign agreements detailing how the amount of the loan is to be repaid.

II. Upon certification as a teacher of one of the subjects listed in RSA 188-D:19, a loan recipient who actually teaches the subject in which he became certified, or any other subject in which a shortage exists, on a regular basis for at least half the school day at a public middle school, junior high school or senior high school in New Hampshire shall have his loan partially or totally forgiven according to the repayment schedule adopted by the postsecondary education commission. As long as a loan recipient continues teaching as required by the agreements he signed, he shall be required to make no repayment and the remaining unpaid portion of his loan shall not accrue interest.

III. A loan recipient who fails to teach as agreed shall immediately begin repayment of the loan according to the repayment schedule adopted by the postsecondary education commission. The amount of interest to be paid for the entire period of the loan and the amount of time to be allowed for repayment shall be as indicated in the note the recipient signed before receipt of the loan. The commission shall annually determine the interest amount to be indicated on notes to be signed each year and adopt such rate by rule.

IV. A loan recipient who fails to complete an appropriate program of studies or who fails to make normal progress toward receiving certification shall immediately become liable for the repayment of all his outstanding loans except as provided in paragraphs V and VI. Such repayment shall include interest for the entire period of the loan at a rate to be determined at the time the loan is granted.

V. A loan recipient who ceases to pursue a program of studies leading to certification in a qualifying subject but who continues as a full time student making normal progress toward a degree may petition the postsecondary education commission to delay the required repayment of the loan until completion of his degree program. If the delay is granted, upon completion of his degree, he shall begin repayment of the loan with interest for the entire period of the loan, as indicated in the repayment schedule as determined by the postsecondary education commission.

VI. The comptroller may, in case of hardship, death or other extenuating circumstances, with the approval of the fiscal committee of the general court provided for in RSA 14:30-a, extend or

forgive such individual accounts as may be brought to his attention.

VII. The comptroller is authorized to enforce the collection of accounts that are due under this subdivision. The postsecondary education commission, the attorney general, the state treasurer and any other executive agency shall aid the comptroller in its collections as the comptroller requests.

188-D:28 Rulemaking.

I. The postsecondary education commission shall adopt rules, pursuant to RSA 541-A, relative to:

(a) Determining the domicile of a student in a manner consistent with the criteria of the university system of New Hampshire for determining whether students shall be classified as in-state students for tuition purposes.

(b) Determining the financial need of a student.

(c) Determining the academic qualifications of a student.

(d) Determining the range of the loan amounts granted each year.

(e) Determining which subjects have a teacher shortage and will, therefore, be eligible for inclusion in the program.

(f) Determining the granting of permission for a recipient to use his loan at an out-of-state postsecondary institution.

(g) Determining what constitutes normal progress toward receiving certification.

(h) Determining the number of years of teaching to be required of a recipient.

(i) Determining the repayment schedule in case of failure of a recipient to meet the obligation to teach.

(j) Determining a procedure for granting delays in repayment under 188-D:27, V.

(k) Determining the interest rate to be used in notes.

(l) Application forms for applying for grants or loans or both.

(m) Determining the time-frame for applications.

(n) Such other items as may be necessary for the proper administration of this subdivision.

II. The comptroller shall adopt a rule, pursuant to RSA 541-A, relative to the contents of the note to be signed by a recipient of a loan.

III. The state board of education shall adopt a rule, pursuant to RSA 541-A, relative to approving programs for teacher education.

Amendment adopted.

Referred to Appropriations.

HB 260-FN, increasing the amount of catastrophic state aid to school districts for special education. Inexpedient to Legislate.

This bill took money from the basic special education aid to the school districts and redistributed the funds to catastrophic aid. The Committee felt



this would encourage districts to tuition special education students out of the district which will increase special education costs overall. Vote 17-1. Rep. Ellen-Ann Robinson for Education.

Resolution adopted.

HB 268-FN, relative to the licensing of kindergartens. Inexpedient to Legislate. It would be difficult to collect fees from private kindergartens. Vote 13-5. Rep. Cecelia L. Winn for Education.

Resolution adopted.

HB 275-FN, concerning state aid for special education. Ought to Pass. The Committee strongly feels that this bill is a positive step in the direction of taking some financial burden off the local communities for state and federally mandated special education costs. Vote 18-0. Rep. Dennis R. Bolduc for Education.

Referred to Appropriations.

HB 291-FN, establishing a special education revolving loan fund and making an appropriation therefor. Majority: Ought to Pass with Amendment. Minority: Inexpedient to Legislate.

MAJORITY: HB 291 establishes a revolving loan fund to assist nonprofit corporations, including local school districts, with start-up costs for special education programs for severely impaired students with high cost and/or low incidence handicapping conditions. Loans would be awarded on the basis of demonstrated need, cost-effectiveness and fiscal responsibility of the proposed programs. These programs would help fill the gap that now forces New Hampshire school districts to send 220 educationally handicapped students to high-cost out-of-state facilities. The amendment provides funds for the appropriation by bonding. Vote 14-8. Rep. Betty Jo Taffe for the Majority of Education.

MINORITY: Given the current economic constraints, the minority feels that any monies available to address the issue of special education programs for severely impaired students with high cost or low incidence, or both, handicapping conditions should be provided to currently operating facilities rather than as start-up funds for new programs and/or facilities, and that if such funds were available, they should come from the general fund. Reps. Rita M. Brack, William A. Riley, Mable G. Cutting, Dennis R. Bolduc, E. Jane Walker, Margaret A. Case, Howard F. Mason, Robert W. Moore for the Minority of Education.

Amendment

Amend RSA 186-D:3, I as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

I. In order to be eligible to apply for funds under this chapter, the applicant shall be a nonprofit organization from either the private or the public sector. The purpose of the organization shall be to provide special education programs to severely impaired students with high cost or low incidence, or both, handicapping conditions. The eligible parties shall include but not be limited to the following:

- (a) Regional special education collaboratives;
- (b) Developmental disability area boards;
- (c) Private, nonprofit providers;
- (d) State agencies; and
- (e) Local school districts.

Amend the bill by striking out sections 4 and 5 and inserting in place thereof the following:

4 Appropriation. In addition to any other sums appropriated to the department of education, there is hereby appropriated to that department for the special education revolving loan fund established by section 2 of this act, the sum of \$1,000,000 for the fiscal year ending June 30, 1984, and a similar sum for the fiscal year ending June 30, 1985.

5 Bonds Authorized. To provide funds for the appropriation made in section 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$2,000,000 and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

6 Payments. The payments of principal and interest on bonds and notes issued for the purposes of section 4 shall be made when due from the general funds of the state.

7 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government or any agency thereof, as they may deem advisable, to secure federal funds for the purposes of this act.

II. To accept any federal funds which are or become available for the purposes of section 4 of this act. The amount appropriated in section 4 of this act shall not be reduced by the amount of any federal funds which may be obtained for the purposes of the act.

8 Effective Date. This act shall take effect July 1, 1983.

Rep. Brack moved that the report of the Minority, Inexpedient to Legislate, be substituted for the report of the Majority, Ought to Pass with Amendment, and spoke to her motion.

Reps. Taffe, William Boucher and Chambers spoke against the motion.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 75 NAYS 255

YEAS 75

BELKNAP: Bolduc, Dexter, Gary Dionne, Matthew Locke and Zeckhausen.

CARROLL: Chase, Heath and Saunders.

CHESHIRE: Boulter, Grodin, Elmer Johnson, Parker, Perry and Margaret Ramsay.

COOS: Theriault.

GRAFTON: Christy and Downing.

HILLSBOROUGH: Abrams, Bass, Brack, Burkush, John Burns, Durant, Clyde Eaton, Fields, Ford, Galway, Levesque, Howard Mason, Raiche, Reidy, Sallada, Silva, B. P. Smith, Ware, Geraldine Watson, Emma Wheeler and Robert Wheeler.

MERRIMACK: Anderson, Cate, Daniell, Degnan, LaBranche, Arthur Locke, Louise Roberts, William Roberts, Walter Robinson, Shepard and Gerald R. Smith.

ROCKINGHAM: Ames, Bangs, Butler, Case, Ellyson, Thomas Gage, Hollingworth, Joslyn, Keenan, Roger King, LoFranco, Longworth, Mace, Malcolm, Tufts, Walker, Warburton and Webster.

STRAFFORD: Appleby, Banks, Chagnon, Joos, Kincaid, Lussier and Timm.

SULLIVAN: Reney.

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BELKNAP: Bastraw, Birch, French, Golden, Hardy, Holbrook, Lamprey, Nighswander, Pearson, Randall, Sanders and David Whittemore.

CARROLL: Ashnault, Robert Holmes, Hraba, Murphy and Powers.

CHESHIRE: Barber, Eugene Clark, Crane, Davis, Daniel Eaton, Gordon, Hickey, Lane, Matson, David Meader, Michaelides, Miller, Morse, Perkins, Scranton and William Sullivan.

COOS: Harold Burns, Chappell, Chardon, Coulombe, Guay, Horton, David King, Langley, George Lemire, Pelletier, Valliere and York.

GRAFTON: Blair, Chambers, Copenhaver, Croy, Densmore, Easton, Girouard, Harnish, Hutchings, Michael King, Wayne King, Logan, Mann, McAvoy, Rounds, Stewart, Taffe, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Debora Ahern, Richard Ahern, Ahrens, Arnold, Arris, Bolan, Boutwell, Leslie Burns, Carragher, Charbonneau, Cote, Craig, Cronin, Donovan, Duprey, Joseph Eaton, Gagnon, Gelinas, Grip, Harrington, George Hawkins, Head, Hendrick, Humphrey, Jean, Kashulines, Katsiaticas, Keefe, Robert Kelley, Knight, John Lawrence, Leclerc, Lefebvre, David Lemire, Lynde, Lyons, Martineau, McGlynn, Migneault, Morrisette,

Nelson, Nickerson, Nute, O'Rourke, Parmenter, Marjorie Peters, Pressly, Quinn, Resch, Ellen-Ann Robinson, Roy, Russell, Leonard Smith, Soucy, Spirov, Steiner, James Sullivan, Mary Sullivan, Sylvia, Talbot, Turgeon, Vachon, Van Loan, Wagner, Harold Watson, Wells, Kenneth Wheeler, Eleanor Whittemore, M. Arnold Wight, Winn, Lucille Wood and Zajdel.

MERRIMACK: Allgeyer, Bardsley, Bibbo, Laurent Boucher, Bowes, Chynoweth, Samuel Clark, Dean, Gross, Mary Holmes, Jacobson, Kidder, Kinhan, Maltais, McDonnell, Mercier, Nichols, Pannell, Parrish, Phelps, Doris Riley, Rogers, Savaria, Stark, Stio, Lawrence Sullivan, Trombly, Wallner and James Whittemore.

ROCKINGHAM: Belanger, Beliveau, Benton, Blaisdell, Blanchette, William Boucher, Burdick, Campbell, Carpenito, Cressy, Danderson, Day, Drake, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Greene, Gregorio, John Hynes, Kane, Katsakiores, Glenden Kelley, Kozacka, Krasker, Leslie, Lovejoy, Joseph MacDonald, Robert Mason, McLane, William Moore, Nevins, Newell, Newman, Palumbo, Pantelakos, Parr, Popov, Quimby, Romoli, Rosencrantz, Scamman, Schmittchen, Schwane, Sherburne, Simon, Skinner, Sloan, Sochalski, Splaine, Stork, Sytek, Tavitian, Vartanian, Vecchione and Woodward.

STRAFFORD: Belhumeur, Bernard, Blouin, Chamberlin, Chisholm, Couture, Demers, Dingle, Albert Dionne, Donnelly, Fielding, Flynn, Hennessey, Hussey, Robert Jones, Paul Meader, Pelley, Francis Robinson, Sackett, Schreiber, Gerald L. Smith, Franklin Torr, Ralph Torr and Whiting.

SULLIVAN: Brodeur, Carlson, Converse, Gray, Ingram, Paul Johnson, Palmer and Townsend, and the motion lost.

Amendment adopted.

Referred to Appropriations.

Rep. Dickinson notified the Clerk that he wished to be recorded in favor of the Majority report.

HB 283-FN, relative to voc-tech staff positions funding, and making an appropriation therefor. Ought to Pass.

HB 283 provides staff positions for Manchester Voc-Tech College and Stratham Voc-Tech College to enable them to utilize facilities awarded in the capital budget during previous sessions, but for which operating expenses were never provided. Manchester is appropriated \$718,509 for fiscal year 1984 and 1985. Stratham is appropriated \$224,420 for fiscal year 1984 and 1985. There was no opposition at the hearing. Vote 14-4. Rep. Joanne A. O'Rourke for Education.

Referred to Appropriations.

HB 292-FN, relative to a cooperative agreement to serve handicapped children, and making an appropriation therefor. Ought to Pass with Amendment.

HB 292, as amended, provides services to profoundly mentally retarded multiply handicapped and severely mentally retarded severely multiply handicapped children, both at the Laconia State School and in the community, through a state joint plan developed by the Department of Education and the Department of Health and Welfare. It establishes a legislative oversight committee to review and approve the state joint plan and oversee the implementation of the plan. Since the funding provisions of HB 27 (1982 Special Session) for 3-21 year-olds at the Laconia State School expire June 30, 1983, HB 292, as amended, is needed to ensure the continuation of a state role in providing services for severely developmentally impaired children. The bill appropriates \$2,066,000 to the Department of Health and Welfare and \$2,934,000 to the Department of Education for the biennium. Vote 22-0. Rep. Betty Jo Taffe for Education.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Paragraph. Amend RSA 186-C:13 by inserting after paragraph II the following new paragraph:

III. When state funding is specifically provided, pursuant to RSA 186-C:21. Provided, however, if such funding does not cover the entire cost of special education or special education and educationally related services, school district liability for the balance of the costs shall be as determined by the other provisions of this section.

2 Additional Appropriations. Amend RSA 186-C:18, IV (supp) as inserted by 1981, 352:2 by striking out said paragraph and inserting in place thereof the following:

IV. The state shall appropriate \$300,000 for each fiscal year to assist special education programs that are statewide in their scope and that meet the standards for such programs established by the state board of education. These funds shall be administered and distributed by the state board of education.

3 Cooperative Agreement. Amend RSA 186-C:19 (supp) as inserted by 1982, 39:2 by striking out said section and inserting in place thereof the following:

186-C:19 Educationally Handicapped Children in State Institutions.

I. For an educationally handicapped child in a state institution, the school district responsible for selecting and funding the child's special education or special education and educationally related services shall be as follows:

a) If such child is in the legal custody of the parent, the school district in which the parent resides shall be the responsible school district;

b) If such child is not in the legal custody of the parent, or if the parent resides outside the state, the school

district in which the child most recently resided other than in a state institution, home for children, or health care facility as defined in RSA 193:27, shall be the liable school district;

c) For the purposes of this chapter, children at the Laconia state school and training center and at the New Hampshire hospital between the ages of 18 and 21 are deemed to be in the legal custody of their parent if they were in such legal custody upon reaching age 18.

II. Nothing in paragraph I shall diminish the responsibility of the liable school district as defined in paragraph I to develop and implement an individualized education plan or to fulfill its obligations under other sections of this chapter for an educationally handicapped child in a state institution, regardless of whether such child was initially placed by a school district, the parent, or some other agent.

III. "State institution" as used in this section means the New Hampshire hospital and the Laconia state school and training center. If a special education program at a state institution is the least restrictive placement and offers appropriate services for an educationally handicapped child, such institution shall be utilized by a local school district for such child, subject to the approval of said institution.

4 Developmentally Impaired Children.

Amend RSA 186-C by inserting after section 20 the following new section:

186-C:21 Services to Certain Developmentally Impaired Children.

I. It is hereby declared the function and purpose of this section is to assure that services are developed for and provided to certain educationally handicapped children which are well coordinated between the providing agencies so that they are comprehensive in scope, nonduplicative and meet the educational, residential and medical needs of these children. To the extent possible, these services shall allow children to attend educational programs in the community and remain with their families or reside in alternative living arrangements in the community.

II. Within the funds appropriated and in accordance with the cooperative agreement between the department of education and the department of health and welfare pursuant to RSA 186-C:7 relative to developmentally impaired children, services shall be provided to profoundly mentally retarded multiply handicapped children and to severely mentally retarded severely multiply handicapped children.

III. The department of education and the department of health and welfare shall develop a state joint plan for the delivery of services within 90 days after the passage of this act as follows:

(a) Within the state joint plan, the department of education shall assist local education agencies in their development and delivery of special education and educationally related services and provide funding for these services.

(b) Within the state joint plan, the department of health and welfare shall provide for case management,

residential, in-home and routine medical services.

IV. A legislative oversight committee shall be established, composed of the chairmen of the house and senate education committees, the house health and welfare committee, the senate public institutions/health and welfare committee, the house appropriations committee and the senate finance committee, or their designees. This committee shall review and approve the state joint plan. No expenditures shall be made prior to the approval of the state joint plan without the authorization of the legislative oversight committee. In addition, the legislative oversight committee shall meet at least bimonthly in order to act upon progress reports, resolve conflicts, and act upon fund transfer requests.

V. Subject to the approval of the legislative oversight committee and within the funds appropriated for this section, the department of education and the department of health and welfare are authorized to establish such positions or contracts for, or both establish positions and contract for, such services as may be necessary to develop and implement the state joint plan.

#### 5 Appropriation.

I. In addition to any other sums appropriated, the following sums are hereby appropriated for the following fiscal years to the division of mental health and developmental services, department of health and welfare, for the development and implementation of a state joint plan for residential and medical services for educationally handicapped students as defined by RSA 186-C:19:

(a) For the fiscal year ending June 30, 1984, \$733,000; and

(b) For the fiscal year ending June 30, 1985, \$1,333,000.

II. In addition to any other sums appropriated, the following sums are hereby appropriated for the following fiscal years to the department of education for the development and implementation of a state joint plan for educational services for educationally handicapped students as defined by RSA 186-C:19:

(a) For the fiscal year ending June 30, 1984, \$1,426,000; and

(b) For the fiscal year ending June 30, 1985, \$1,508,000.

III. Upon approval of the commissioner of education, the commissioner of health and welfare and the legislative oversight committee, established under 186-C:21, the funds appropriated in paragraphs I and II may be transferred between the department of education and the division of mental health and developmental services, department of health and welfare.

6 Definition. Amend RSA 193:27, I (supp) as inserted by 1981, 326:1 by striking out said paragraph and inserting in place thereof the following:

I. "Home for children" means any orphanage, institution for the care, treatment or custody of children, or child care agency as defined by RSA 170-E or any community living facility as defined by RSA 126-A:39-42-a and the rules adopted pursuant thereto.

7 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Referred to Appropriations.

HB 293-FN, relative to foundation aid and school building aid to school districts. Refer for Interim Study. The Committee strongly feels that it should take some time to look at the inequities of the foundation aid formula and want to use this bill to accomplish this. Vote 18-0. Rep. Dennis R. Bolduc for Education.

Referred for Interim Study.

HB 298-FN, requiring the state board of education to develop and implement a comprehensive educational program on alcohol and drug abuse in public schools. Ought to Pass.

This bill is "preventive medicine." It provides for a mandated program of education in grades 1 through 12 on alcohol and drug abuse in all public schools in the State. The appropriation will cover the entire cost of the program, so that it will be cost-free to the school districts. Vote 11-8. Rep. William A. Riley for Education.

Referred to Appropriations.

HB 304-FN, relative to a registered nurse program offering an associate degree at the New Hampshire vocational technical college in Berlin and making an appropriation therefor. Refer for Interim Study.

On the three motions, Inexpedient, Ought to Pass, and Interim Study the votes were, respectively, 10-10; yea 6 - nay 14; yea 15 - nay 5. Thus, the Committee felt that there was merit in the bill, but that there were serious conflicts in the testimony which indicates a need to send the bill for interim study. Vote 15-5. Rep. William A. Riley for Education.

Rep. William Boucher moved that HB 304 be recommitted to the Committee on Education, and spoke to his motion. Adopted.

HB 287-FN, relative to dental benefits for retirees of the New Hampshire retirement system and making an appropriation therefor. Refer for Interim Study.

This bill would require funding from the general fund. There is no provision in the Retirement System Fund for this benefit. The Committee felt additional benefits for retirees being proposed this session should be looked at as a whole. Vote 15-3. Rep. Graham Chynoweth for Executive Departments and Administration.

Referred for Interim Study.

Rep. Rogers abstained from voting under Rule 16.



HB 313, requiring that the cost of medical and health insurance coverage for certain retirees be provided by the state retirement system and making an appropriation therefor. Refer for Interim Study.

This bill, as HB 287, would require funding from the general fund. There is no provision in the Retirement System Fund for this benefit. The Committee felt additional benefits for retirees being proposed this session should be considered as a whole. Vote 17-1. Rep. Kenneth W. Malcolm for Executive Departments and Administration.

Referred for Interim Study.

Rep. Rogers abstained from voting under Rule 16.

HB 366-FN, establishing a joint administrative rules committee. Ought to Pass with Amendment.

The Committee believes unanimously that a Joint Administrative Rules Committee is needed to ensure agency compliance with statutory authority and Legislative intent. As State government has grown, so have the powers of state agencies. They have been given authority to write rules to implement complex programs. One result is that the number and breadth of regulations have grown dramatically. 41 states have now enacted some formal means of reviewing agency regulations as HB 366 intends to do. Testimony favorable to the bill pointed out that this Committee offers recourse to the people who may feel that they did not get a fair shake by the agency.

The amendments (1) change makeup of Committee - more evenly divided along party lines; (2) would have all rules readapted every 6 years instead of two as at present, and (3) clear away misinterpretations of the definition of "hearing" under RSA 541-A. Vote 18-0. Rep. Kathleen W. Ward for Executive Departments and Administration.

#### Amendment

Amend RSA 541-A:3-c, I as inserted by section 5 of the bill by striking out same and inserting in place thereof the following:

1. Each agency shall afford all interested persons reasonable opportunity to submit data, views or arguments in writing in accordance with the terms of the notice. Opportunity for oral hearing shall be granted if the agency's rulemaking authority requires an oral hearing, or if requested in writing within 15 days after publication in the register by 25 persons, by a governmental subdivision or agency, or by an association having not less than 25 members.

Amend RSA 541-A:3-d, I as inserted by section 5 of the bill by striking out same and inserting in place thereof the following:

1. After considering public comment as required in RSA 541-A:3-c, an agency shall establish the text of the final proposal not later than 20 days after the deadline for submission of written comments

on the proposed rule established by the agency under RSA 541-A:3-a, 11(c) or, if an oral hearing is held, not later than 20 days after the oral hearing. The agency shall file one copy of the proposal with the director of legislative services. At the same time, the agency shall provide the chairman of the committee on administrative rules established under RSA 541-A:11 with a copy of the final proposal.

Amend RSA 541-A:3-e, I(a) as inserted by section 5 of the bill by striking out same and inserting in place thereof the following:

(a) If the committee approves the rule, it shall notify the agency in writing of its approval.

Amend RSA 541-A:3-e, I(b) as inserted by section 5 of the bill by striking out same and inserting in place thereof the following:

(b) If the committee objects to the rule, it shall notify the agency promptly in writing of its objections and the basis therefor, and it shall also recommend that the agency amend or withdraw the proposal. The committee may object if a proposed rule is:

- (1) beyond the authority of the agency;
- (2) contrary to the intent of the legislature;
- (3) determined not to be in the public interest; or
- (4) deemed by the committee to have a substantial economic impact not recognized in the fiscal impact statement.

Amend RSA 541-A:11, 1 as inserted by section 8 of the bill by striking out same and inserting in place thereof the following:

1. There is hereby created a joint legislative committee to be known as the legislative committee on administrative rules. The legislative committee on administrative rules shall be composed of 9 members of the general court to be appointed for 2-year terms ending on the first Wednesday in December of even-numbered years as follows: 5 members of the house of representatives, 3 of whom shall be appointed by the speaker of the house and 2 of whom shall be appointed by the minority leader of the house; and 4 members of the senate, 2 of whom shall be appointed by the senate president and 2 of whom shall be appointed by the minority leader of the senate. The committee shall elect a chairman and a vice-chairman from among its members.

Amend the bill by striking out section 9 and inserting in place thereof the following:

9 Repeal. The following are hereby repealed:

1. RSA 541-A:4 relative to filing and taking effect of rules; and

11. RSA 541-A:2, 111 relative to validity of rules.

Amend the bill by striking out section 11 and inserting in place thereof the following:

11 Duration of Rules. Amend RSA 541-A:2, IV (supp) as inserted by 1981, 51:4 by striking out said paragraph and inserting in place thereof the following:

IV. No rule shall be effective for a period of longer than 6 years, but the agency may adopt an identical rule under RSA 541-A:3 through 3-f.

12 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 201, relative to the training of dogs. Ought to Pass with Amendment.

The Committee felt that this bill should be passed to protect the deer herd and other wild animals that give birth to their young during this period of time. Vote 10-4. Rep. Laura Pantelakos for Fish and Game.

Amendment

Amend RSA 207:12-a, I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

1. Any person who is licensed to hunt within the state shall be issued a training permit for the training of bird dogs and trail or tree hounds during the closed season on any wildlife, except deer, moose, caribou, elk, lynx, cougar, and turkey, upon application and the payment of a fee of \$5. No training permits shall be valid for the period of April 15 to June 15.

Amendment adopted.

Rep. Silva spoke against the Committee report.

Reps. George Hawkins and French spoke in favor of the Committee report.

Ordered to third reading.

HB 243-FN, authorizing the purchase of miscellaneous equipment and building repairs for the department of fish and game and making an appropriation therefor. Ought to Pass with Amendment.

The majority of the Committee felt there is need for these funds for capital improvements and necessary equipment. Vote 10-7. Rep. Laura Pantelakos for Fish and Game.

Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Appropriation. The sum of \$400,000 is hereby appropriated to the department of fish and game for the biennium ending June 30, 1985, to be used for the following purposes:

I. Purchase of communication equipment -	\$125,000.
II. Building repairs -	100,000.
III. Purchase of boats and trailers -	78,000.
IV. Purchase of a computer -	88,000.
V. Purchase of snowmobiles and trailers -	9,000.
Total	\$400,000.

Amendment adopted.

Referred to Appropriations.

HB 368-FN, relative to a non resident minor's fishing license. Ought to Pass with Amendment.

The Committee felt that a non resident from 12 to 16 years of age, fishing in fresh water, should be licensed as they are in other states. Vote 13-1. Rep. Laura Pantelakos for Fish and Game.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Fishing Licenses for Nonresidents at Least 12 Years and Under 16 Years of Age. Amend RSA 214:9, VIII by inserting after subparagraph (c) the following new subparagraph:

(d) If the applicant is a nonresident at least 12 years of age and under 16 years of age and wishes to take fresh water fish, \$4, and the agent shall thereupon issue a nonresident minor's fishing license which shall entitle the licensee to kill, take and transport fresh water fish and salt water smelt under the restrictions of this title.

2 Effective Date. This act shall take effect November 1, 1983.

Amendment adopted.

Ordered to third reading.

HB 142-FN, relative to sunset review of the parole board. Ought to Pass with Amendment.

This bill creates a new department of probation and parole. It combines the duties of the Department of Probation and the duties of the Parole officers into this department. In addition this bill creates a five member Parole Board which specifies their responsibility to provide for the public protection. Vote 15-1. Rep. Kendall W. Lane for Judiciary.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to sunset review of the parole board and creating a department of probation and parole.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 504 the following new chapter:

CHAPTER 504-A  
DEPARTMENT OF PROBATION AND PAROLE

504-A:1 Definitions. As used in this chapter:

I. "Department" means the department of probation and parole.

II. "Commissioner" means the commissioner of probation and parole.

III. "Probation" means a sentence imposed by a court in accordance with RSA 504.

IV. "Parole" means a conditional release from the state prison which allows a prisoner to serve the remainder of his term outside the prison, contingent upon compliance with the terms and conditions of parole as established by the parole board.

504-A:2 Department Established; General Functions.

1. There is hereby established the department of probation and parole, an agency of the state.

II. The department of probation and parole, through its officials, shall be responsible for:

(a) Conducting pre-sentence investigations;

(b) Supervising persons placed on probation by a court and enforcing orders of a court related to that probation; and

(c) Supervising persons released on parole by the state parole board and enforcing the conditions of parole as established by that board.

504-A:3 Commissioner; Appointment; Term. The department shall be under the executive direction of the commissioner of probation and parole. The commissioner shall be qualified by experience and education and shall be appointed by the governor, with the consent of the council, for a term of 4 years. The salary of the commissioner shall be that established in RSA 94.

504-A:4 Powers and Duties of Commissioner. The commissioner shall be the chief administrative officer of the department and have the following powers and duties:

I. The commissioner shall manage all operations of the department and administer and enforce the laws with which he or the department is charged.

II. To perform his duties, the commissioner shall have every power enumerated in the laws, whether granted to the commissioner, the department or any administrative unit of the department. In accordance with these provisions, the commissioner shall:

(a) Biennially compile a comprehensive program budget which reflects all fiscal matters related to the operation of the department and each program and activity of the department.

(b) Adopt all rules of the department, whether the rulemaking authority delegated by the legislature is granted to the commissioner, the department or any administrative unit or subordinate official of the department either by this act or by existing statutes. All rules shall be adopted pursuant to RSA 541-A.

(c) Delegate authority to subordinates as he deems necessary and appropriate except that rulemaking authority shall not be delegated. All such delegations shall be made in writing, shall clearly delineate the authority delegated and the limitations to such delegation, and shall be kept on file in the commissioner's office.

(d) Adopt practices which will improve the efficiency of the department and the provision of services to the citizens of the state.

(e) Provide cooperation, at the request of the heads of administratively attached agencies, in order to:

(1) Minimize or eliminate duplication of services and jurisdictional conflicts;

(2) Coordinate activities and resolve problems of mutual concern; and

(3) Resolve by agreement the manner and extent to which the department shall provide budgeting, recordkeeping and related clerical assistance to administratively attached agencies.

(f) Give bond to the state as specified in RSA 93-B.

III. The commissioner, in accordance with applicable personnel statutes and rules and within the appropriation made therefor, shall appoint probation-parole officers who shall be classified employees.

IV. The commissioner shall adopt such comprehensive internal operating policies and procedures as may be necessary to carry out the duties of the department, consistent with this act. These policies shall include:

(a) A classification system for evaluating probationers and parolees to establish the appropriate level of supervision.

(b) Criteria used to determine when probationers will be reported to the court for violations of probation or when parolees shall be reported to the parole board for violation of the conditions of parole.

(c) A policy on notification of law enforcement agencies of parolees who abscond from supervision.

(d) Criteria for determining when a parolee who has absconded to another state shall be returned to this state.

V. The commissioner may establish the internal structures of the department which are not provided for by statute, and allocate and reallocate duties and functions not assigned by law to a particular subordinate unit.

VI. The commissioner shall establish and maintain such field offices as are necessary for the effective operation of the department.

VII. The commissioner, with the consent of the governor and council, may accept, on behalf of the department, any gifts, grants, bequests, loans or endowments.

VIII. The commissioner shall have the authority to adopt rules, pursuant to RSA 541-A, necessary to assure the continuation or granting of federal funds or other assistance not otherwise provided for by law.

IX. The commissioner shall report biennially to the governor and council and to the general court with respect to the department's operation for the preceding 2 years, and render such other reports as the governor and council or the general court shall from time to time request.

X. The commissioner may appoint qualified volunteer counselors to assist probation-parole officers in the supervision, guidance and rehabilitation of persons on probation. Volunteer counselors shall serve without compensation.

504-A:5 Duties of Probation-parole Officers. Under the supervision of the commissioner, probation-parole officers shall:

I. Investigate at the request of any court any case, matter, or question, whether then pending or not, and report to such court the result of such investigation, with recommendations.

II. Take charge of such persons before, at and after hearing of their cases as the court may direct. Unless otherwise ordered by the court, transportation of persons to agencies or institutions to which they may be committed shall be the duty of state and municipal police or sheriffs' departments and shall not be the duty of probation-parole officers.

III. Supervise persons released on parole by the state parole board. This supervision shall include:

(a) Investigation of the employment and living plans of prospective parolees;

(b) Investigation of alleged violations of the conditions of parole by parolees;

(c) Counseling of parolees;

(d) Apprehension of parolees who abscond from parole supervision.

IV. Receive under supervision, upon the request of any court, any person placed on probation or ordered to allow visitation rights in a judgment of divorce or legal separation.

V. Keep informed concerning the conduct and conditions of persons on probation and compel such persons' obedience to the orders of the court.

VI. Keep detailed records of each case, accounts of all money collected and disbursed, and give and obtain receipts therefor, and make such reports to the courts as the courts may require.

VII. Perform any duties as probation-parole officers assigned to them by the commissioner or any court or which are within their general purview as probation-parole officers. In the performance of probation duties, probation-parole officers shall be considered to be officers of the court.

VIII. When so ordered by a court, collect and disburse fines and restitution payments.

IX. When so ordered by a court, take temporary custody of children for the purpose of enforcing visitation rights of parents under a judgment of divorce or legal separation.

504-A:6 Authority of Probation-parole Officers.

1. Probation-parole officers who complete a course of training consistent with their duties, prescribed by the police standards and training council after consultation with the commissioner, shall have the authority to;

(a) Enforce the criminal laws, including the power of arrest;

provided, however, that such officers may only exercise such authority in connection with their duties as probation - parole officer when they are:

(1) Transporting a probationer or parolee; or

(2) Attempting to apprehend a parolee under a warrant issued by the parole board or are attempting to apprehend a probationer under a court order.

(h) Carry firearms subject to written procedures adopted by the commissioner.

II. No position in the department of probation and parole shall be included in group II of the New Hampshire retirement system. The limited authority granted by this section shall in no way affect the retirement system status of probation-parole officers.

504-A:7 Assistance to Department. The county attorneys, the sheriffs and their deputies, the state police, and the police departments of the several cities and towns shall, upon the request of the department, furnish such information as they may possess relative to the conduct of parolees and such reasonable assistance as it may require in investigations, provided that, unless the commitment of a parolee was requested by the county attorney, the expenses of such procedure incurred by sheriffs and their deputies shall be borne by the state upon warrant of the governor.

504-A:8 Service Charge for Collections. A service charge of 10 percent shall be added to all collections of restitution, fines, civil judgments, capias writs and other payments, but not to work release payments made through the department. The moneys collected pursuant to such service charge shall be forwarded by the tenth of the following month for deposit in the state treasury as general fund unrestricted revenue.

504-A:9 Municipal Probation Officers. District courts in towns and cities having a population of over 50,000 persons shall, and other courts may, appoint one or more qualified municipal probation officers for their respective courts. The commissioner, pursuant to RSA 541-A, and after consultation with the state personnel department, shall adopt rules specifying the minimum qualifications for such municipal officers. All municipal officers shall comply with such minimum qualifications. The appointing court shall certify to the commissioner in writing that a municipal officer complies with such minimum qualifications before the officer is appointed. The commissioner shall maintain a record of the appointments of all municipal officers and the certification of their qualifications.

504-A:10 Maintenance of Accounts.

1. The department, subject to the approval of the comptroller and the treasurer, shall maintain such interest-bearing accounts in savings banks or similar institutions as the department may deem necessary or appropriate to realize the greatest income compatible with its duty to collect and disburse court ordered payments. The department shall deposit in



said accounts an amount not exceeding 80 percent of its monthly collections, the balance of which shall be maintained in a checking account, provided that such deposit shall not interfere with the making of prompt disbursements by the department of funds collected.

II. The interest earned on the interest bearing accounts provided for in paragraph I shall be transferred to the state treasurer who shall credit the same to the general fund.

2 Repeal. RSA 504:7 through RSA 504:20, relative to the probation board and probation officers, are hereby repealed.

3 Termination of Board of Probation. The board of probation shall terminate on the effective date of this act.

4 Reference to the Department of Probation and Parole and Commissioner. With respect to the functions, powers and duties transferred under this act to the department of probation and parole, whenever in any law, rule, judicial, or administrative proceeding or otherwise, reference is made to the board or department of probation, or parole officer or staff, the same shall mean and refer to the department of probation and parole.

5 References Corrected. Amend the following sections by striking out "probation officer" wherever it appears and inserting in place thereof the following (probation-parole officer): RSA 504:2: RSA 504:2-a; and RSA 504:4.

6 Reference Corrected. Amend RSA 504:5 as amended by striking said section and inserting in place thereof the following:

504:5 Transfers. A court, or the commissioner of probation and parole, may, when justice or convenience requires, transfer a person on probation from the supervision of one probation-parole officer to that of another.

7 Transfer of Functions, Powers, and Duties. All functions, powers and duties of the parole officers and staff and the board and department of probation are hereby transferred to the department of probation and parole.

8 Reports. Unless explicitly provided otherwise, whenever reports, certifications, applications, or requests are required to be made to any agency whose powers and duties are transferred to the department of probation and parole by this act, such reports shall be filed with or made to the department of probation and parole.

9 Effect on Prior Rules. This act shall not affect the orders and rules previously made or adopted by any division, bureau, board, or other agency, the functions, powers, and duties of which have been reassigned or transferred to the department of probation and parole or to any agency designated, continued, or constituted under this act.

10 Effect on Prior Actions or Proceedings. This act shall not affect any action or proceeding brought by or against any division, bureau, board, or agency, the functions, powers, and duties of which have been assigned or transferred to the department of probation and parole or to any agency designated, continued, or constituted

under this act, which is pending on the effective date of this act.

11 Transfer of Appropriations. All appropriations, grants, and other money available and to become available to any division, bureau, board, or other agency, the functions, powers, and duties of which have been assigned or transferred under this act, are hereby transferred to the department of probation and parole, and shall be available for the objects and purposes for which appropriated, subject to any terms, restrictions, limitations, or other requirements imposed by state or federal law.

12 Transfer of Employees.

I. The classified employees of any department, division, bureau, board, or other agency, the functions, powers, and duties of which have been assigned or transferred to the department of probation and parole or to any agency designated, continued, or constituted under this act, are hereby transferred to the department or agency to which such functions, powers, and duties have been assigned or transferred by this act.

II. Nothing in this act shall be construed to deprive any classified employee of tenure rights or any right to protection provided him by law, rule, or under any retirement system.

III. Any classified employee not appointed or transferred pursuant to this act may exercise any special reemployment and layoff rights provided in the state personnel laws and rules which would have been available to said employee if the department of probation and parole had not been established.

13 Transfer of Records, Equipment. All files, books, paper, records, equipment, supplies, service contracts, and other property of any department, division, bureau, board, or other agency, the functions, powers, and duties of which have been assigned or transferred to the department of probation and parole or to any agency designated, continued or constituted by this act, shall be transferred to the department or agency to which such assignment has been made by this act.

14 Unclassified Salaries. Amend RSA 94:1-a, I (supp) as inserted by 1975, 505:28 as amended by inserting in proper alphabetical order in group N the following (Commissioner of probation and parole).

15 Parole. Amend RSA by inserting after chapter 651 the following new chapter:

#### CHAPTER 651-A PAROLE OF PRISONERS

651-A:1 Purpose of Parole. It is the intent of the legislature that the state parole system provide a means of rehabilitating offenders without continued incarceration and a means by which prisoners can be aided in the transition from prison to society. It is also the intent of the legislature that the policies, procedures and actions of the state parole board and the department of probation and parole relative to the administration of this system, demonstrate recognition of the need

to protect the public from criminal acts by parolees.

651-A:2 Definitions. As used in this chapter:

I. "Parole" means a conditional release from the state prison which allows a prisoner to serve the remainder of his term outside the prison, contingent upon compliance with the terms and conditions of parole as established by the parole board.

II. "Board" means the state board of parole.

III. "Commissioner" means the commissioner of probation and parole.

IV. "Department" means the department of probation and parole.

651-A:3 Board of Parole; Establishment; Procedures.

I. There shall be a state board of parole with 5 members. The members of the board shall be appointed by the governor with the consent of the council for staggered terms of 5 years or until their successors are appointed. No member shall serve more than 2 consecutive terms. A vacancy on the board shall be filled for the unexpired term. The governor shall designate one member as chairman, and the chairman shall designate one other member to serve as chairman in his absence. Board members shall be paid \$100 a day while engaged in parole hearings or administrative meetings.

II. The board shall hold at least 24 hearings each year and shall hold more hearings as necessary. Each parole hearing shall be held by a hearing panel consisting of 3 members of the board. The board shall establish operating procedures which provide for rotation of board members among hearing panels.

651-A:4 Duties; Board of Parole. The board of parole shall:

I. Be responsible for paroling prisoners from the state prison, subject to the applicable provisions of this chapter;

II. Have legal custody of all persons released on parole until they receive their discharge or are recommitted to the prison;

III. Adopt rules, pursuant to 541-A, relative to:

- (a) The parole process, including the conduct of parole hearings;
- (b) Criteria used to evaluate prospective parolees;
- (c) Conditions for the conduct of parolees; and
- (d) Procedures for revocation of parole.

651-A:5 Executive Assistant. The board may appoint an executive assistant who shall be an unclassified employee and shall serve at its pleasure. The salary of the executive assistant shall be that established in RSA 94.

651-A:6 Terms of Release.

I. A prisoner may be released on parole upon the expiration of the minimum term of his sentence, minus any credits received pursuant to RSA 651:55-c, plus the disciplinary period added to such minimum under RSA 651:2, II-e, any part of which is not reduced for good conduct as provided in RSA 651-A:22, provided that there shall appear to the state board of parole, after

having given the notice required in RSA 651-A:11, to be a reasonable probability that he will remain at liberty without violating the law and will conduct himself as a good citizen. Any prisoner so released shall be given a permit by the board to be at liberty from prison during the unexpired portion of the maximum term of his sentence.

II. When a person is subject to multiple concurrent or consecutive sentences of imprisonment, as provided in RSA 651:3, III, the provisions of this section shall be computed from the longest of said sentences.

III. The release of prisoners sentenced to the state prison in accordance with sentencing provisions of law in effect prior to the effective date of this title shall be governed by the law in effect immediately prior to said effective date. However, except for prisoners serving sentences pursuant to conviction of murder in violation of RSA 585:1, murder which is psycho-sexual in nature as defined in RSA 607:41-d, and manslaughter in the first degree in violation of RSA 585:8, and for the purpose of determining eligibility for release on parole only, the minimum term of a prisoner who has been sentenced in accordance with sentencing provisions in effect prior to the effective date of this title shall be deemed to be either the longest minimum sentence which could have been imposed for a class A felony under RSA 651:2, II, or his actual minimum sentence, whichever is shorter.

651-A:7 Eligibility for Release; Life Sentences. A prisoner serving a sentence of life imprisonment, except one convicted of murder in the first degree or one convicted of murder which was psycho-sexual in nature and committed prior to April 15, 1974, may be given a life permit at any time after having served 18 years. Eighteen years shall be deemed the minimum term of his sentence for the purposes of this section, minus any credits received pursuant to RSA 651-A:23, plus the disciplinary period added to such minimum under RSA 651:2, II-e, any part of which is not reduced for good conduct as provided in RSA 651-A:22, provided that there shall appear to said board to be a reasonable probability that he will remain at liberty without violating the law and will conduct himself as a good citizen. The provisions of this section shall not apply to a prisoner serving a life sentence when the court, pursuant to RSA 630:1-b, II, has specified a minimum term other than that prescribed in this section.

651-A:8 Eligibility for Parole; Persons Convicted of Psycho-sexual Murder. A prisoner serving a sentence of life imprisonment who has been convicted of murder which was psycho-sexual in nature and committed prior to April 15, 1974, shall not be eligible for parole until he shall have served 40 years minus any credits earned under the provisions of RSA 651-A:22 and RSA 651-A:23 and until the board shall recommend to the superior court that said prisoner should be released on parole. The superior court shall have a hearing on the recommendation of the board at which all interested parties, including the attorney general, may appear and present evidence.

If it shall appear to the superior court after said hearing that there is a reasonable probability that the prisoner will remain at liberty without violating the law and will conduct himself as a good citizen, the court may order him released on parole with such conditions as it may deem just.

651-A:9 Psycho-sexual Murder Certified. Whenever any person is convicted of murder, committed prior to April 15, 1974, the presiding justice shall certify, at the time of sentencing, whether or not such murder was psycho-sexual in nature.

651-A:10 Psycho-sexual Murder Defined. For the purposes of RSA 651-A:7, 8 and 9, the phrase "murder which is psycho-sexual in nature" means murder in which there is evidence that the offender has committed sexual assault or abuse or attempted sexual assault or abuse of the victim before or after death.

651-A:11 Notice of Hearings.

I. At least 15 and not more than 30 days prior to any parole hearing, the state board of parole shall twice publish, in a newspaper of general circulation within the county where the offense occurred, a notice stating the intention of the person to seek parole. Said notice shall contain:

- (a) The name of the applicant;
- (b) The date of the alleged

offense;

- (c) The date of the

conviction;

- (d) The crime of which the

person was convicted;

- (e) The sentence imposed in

the case;

- (f) The amount of time

served; and

- (g) The date and location of the parole hearing.

II. At least 15 and not more than 30 days prior to any parole hearing, the state board of parole shall send by first class mail to the commissioner of safety and to each county sheriff, chief of police, and county attorney of the place where the offense occurred, where the person resided prior to conviction, or where the person intends to reside after release, a copy of the information described in paragraph I.

III. The state board of parole shall conduct no parole hearing without first having met the notice requirements of this section.

651-A:12 Reduction of Maximum Sentence While on Parole. Any person who is on parole from the state prison on a permit under the provisions of this chapter may be granted a reduction of maximum term of his sentence equal to 1/3 of the period of time during which the parolee is at liberty on said permit, provided that said parolee is not recommitted to the state prison and has not been cited as a parole violator, pursuant to the provisions of this chapter. The parolee may be granted a discharge at the expiration of his maximum sentence less deductions provided for in this chapter.

651-A:13 Suspension of Supervision. In the case of a paroled prisoner who has entered the armed service of the United States, the board may suspend all parole

supervision of said person during the period he so serves and is subject to military law. Upon the termination of such service by honorable discharge the board may, in its discretion, give the prisoner a final discharge.

651-A:14 Early Discharge for Good Conduct. Whenever the board finds that the parolee is no longer in need of supervision because of his good conduct it may issue him a certificate of discharge.

651-A:15 Complaint for Violation of Parole. When it appears to the department that a prisoner on parole has violated the conditions of his parole, violated the law, or associated with criminal companions, the department shall notify any member of the board and request that the member issue a warrant for the arrest of the parolee. If the member agrees that a violation may have occurred he shall issue a warrant. The commissioner, any probation-parole officer, or any officer authorized to make arrest may then arrest the parolee and return him to the state prison.

651-A:16 Report Required.

I. The department may report any parolee who violates the conditions of his parole to the parole board. However, the department shall, within 30 days of official knowledge of such an occurrence, submit a report on any parolee who:

(a) Is arrested for any felony or misdemeanor offense;

(b) Is convicted of any felony, misdemeanor or other offense; provided, however, that the department need only report traffic offenses deemed to be serious traffic offenses under RSA 265;

(c) Absconds from supervision for a period of 30 days or more; or

(d) Commits 3 or more parole violations of any type within a 12 month period.

II. This report shall include information on the circumstances of the alleged violation as well as a recommendation as to whether parole should be revoked.

651-A:17 Parole Revocation. Any parolee arrested under RSA 651-A:15 shall be entitled to a hearing before the board within 30 days. The parolee shall have the right to appear and be heard at this hearing. If the board, after a hearing, finds that the parolee has violated the conditions of his parole, violated the law, or associated with criminal companions and in their judgment should be returned to prison, the board shall revoke his parole. A prisoner whose parole is revoked shall be recommitted to the state prison.

651-A:18 Revocation Required.

I. The board may revoke the parole of any parolee who:

(a) Violates the conditions of his parole;

(b) Violates the law; or

(c) Associates with criminal companions.

II. The board shall revoke the parole of any parolee who:

(a) Is convicted of a felony; or

(b) Absconds from parole supervision for a period of 60 days or more.

III. Prisoners whose parole is revoked under this section shall not be eligible for reprieve for a period of at least 6 months.

651-A:19 Effect of Recommitment. A prisoner who is recommitted may, at any time before the expiration of his maximum sentence, except as provided in RSA 651-A:18, be paroled again. If not paroled, a prisoner who is recommitted shall serve the remainder of his maximum sentence minus any credits to which he may thereafter become entitled under RSA 651-A:22 and 23 and less the period of time the prisoner was at liberty in satisfactory compliance with the terms and conditions of his parole. The time between the return of the parolee to prison after his arrest and revocation of parole shall be considered as time served as a portion of the maximum sentence.

651-A:20 Parole Records. The board of parole or its designee shall have access to all parole records of the department. The board shall review the records of the department for each parolee in its custody at least once every 36 months.

651-A:21 Final Discharge.

1. Upon the expiration of the term of his maximum sentence as herein provided, a paroled prisoner shall be entitled to receive a final discharge, provided that at the time of such expiration no proceedings are pending for his recommitment. Such proceedings shall be deemed to be pending when a warrant has been issued under RSA 651-A:15.

II. For each parolee affected by this section, the board shall determine the amount of time the parolee was at liberty while in noncompliance with the terms and conditions of parole, as specified in RSA 651-A:19. The board may recommit the parolee to the state prison for a period not to exceed the amount of time so determined.

651-A:22 Credits for Good Conduct.

1. The warden of the state prison shall, on a monthly basis, review the conduct of each prisoner subject to parole to determine whether the prisoner shall receive credit for good conduct as provided in this section.

II. The warden shall by rule determine the standards for the earning of credit for good conduct. Such rules shall not be subject to the provisions of RSA 541-A.

III. If, as a result of the review provided in paragraph I, the warden determines that a prisoner has exhibited good conduct, he may reduce the additional disciplinary period provided in RSA 651:2, II-e and the maximum sentence of such prisoner by up to 12-1/2 days for each month during which the prisoner has exhibited such good conduct.

IV. Credits may be granted subject to the provisions of this section provided that:

(a) Any prisoner who escapes from the state prison or from custody of any person charged with his custodial safekeeping, or from the limits of his minimum custody or community corrections boundaries or agreements will automatically suffer the loss of all accrued good conduct credits. This loss is in addition to and

not in lieu of any other administrative or judicial punishment later imposed for the escape.

(b) Any serious act of misconduct or insubordination, or persistent refusal to conform to prison regulations during his confinement shall subject the prisoner to the loss of all or any portion of such credits, at the discretion of the warden.

(c) The warden at his discretion may restore all or part of the good conduct credits lost under subparagraphs (a) or (b) should the prisoner later demonstrate exemplary behavior.

(d) Provided further, that upon a prisoner's release on parole any such credits earned prior to his release shall not thereafter be lost.

V. Any good conduct credit earned against a maximum sentence by a prisoner before August 22, 1979, except for loss in the manner provided by this section, shall be unaffected by enactment of this section.

651-A:23 Credit for Confinement Prior to Sentencing. Any prisoner who is confined to the state prison, any house of correction, any jail or any other place shall be granted credit against both the maximum and minimum terms of his sentence equal to the number of days during which the prisoner was confined in jail awaiting and during trial prior to the imposition of sentence and not under any sentence of confinement. The clerk of the court sentencing a prisoner shall record in the mittimus the number of days of such confinement, and the credit provided for herein shall be calculated on the basis of such information.

651-A:24 Administrative Attachment. The parole board shall be administratively attached to the department of probation and parole. The department shall provide budgeting, recordkeeping, and related clerical assistance to the board as agreed upon pursuant to RSA 504-A:4, II(e)(3). The commissioner shall have no administrative authority over the board, its executive assistant or its duties.

651-A:25 Execution of Compact Authorized. The governor of this state is hereby authorized and directed to execute a compact on behalf of the state of New Hampshire with any of the United States legally joining therein in the form substantially as follows:

A Compact entered into by and among the contracting states, signatories hereto, with the consent of the Congress of the United States of America, granted by an act entitled "An Act Granting the Consent of Congress to any two or more States to enter into Agreements or Compacts for Cooperative Effort and Mutual Assistance in the Prevention of Crime and for other purposes."

The contracting states solemnly agree:

I. That it shall be competent for the duly constituted judicial and administrative authorities of a state party to this compact, herein called "sending state," to permit any person convicted of an offense within such state and placed on probation or released on parole to reside in any other state party to this compact,



herein called "receiving state," while on probation or parole, if (a) Such person is in fact a resident of or has his family residing within the receiving state and can obtain employment there; (b) Though not a resident of the receiving state and not having his family residing there, the receiving state consents to such person being sent there. Before granting such permission, opportunity shall be granted to the receiving state to investigate the home and prospective employment of such person. A resident of the receiving state, within the meaning of this section, is one who has been an actual inhabitant of such state continuously for more than one year prior to his coming to the sending state and has not resided within the sending state more than 6 continuous months immediately preceding the commission of the offense for which he has been convicted.

II. That each receiving state will assume the duties of visitation of and supervision over probationers or parolees of any sending state and in the exercise of those duties will be governed by the same standards that prevail for its own probationers and parolees.

III. That duly accredited officers of a sending state may at all times enter a receiving state and there apprehend and retake any person on probation or parole. For that purpose no formalities will be required other than establishing the authority of the officer and the identity of the person to be retaken. All legal requirements to obtain extradition of fugitives from justice are hereby expressly waived on the part of states party hereto, as to such persons. The decision of the sending state to retake a person on probation or parole shall be conclusive upon and not reviewable within the receiving state; provided, however, that if at the time when a state seeks to retake a probationer or parolee there should be pending against him within the receiving state any criminal charge, or he should be suspected of having committed within such state a criminal offense, he shall not be retaken without the consent of the receiving state until discharge from prosecution or from imprisonment for such offense.

IV. That the duly accredited officers of the sending state will be permitted to transport prisoners being retaken through any and all states parties to this compact, without interference.

V. That the governor of each state may designate an officer who, acting jointly with like officers of other contracting states, if and when appointed, shall promulgate such rules and regulations as may be deemed necessary to more effectively carry out the terms of this compact.

VI. That this compact shall become operative immediately upon its execution by any state as between it and any other state or states so executing. When executed it shall have the full force and effect of law within such state, the form of execution to be in accordance with the laws of the executing state.

VII. That this compact shall continue in force and remain binding upon each executing state until renounced by it.

The duties and obligations hereunder of a renouncing state shall continue as to parolees or probationers residing therein at the time of withdrawal until retaken or finally discharged by the sending state. Renunciation of this compact shall be by the same authority which executed it, by sending 6 months' notice in writing of its intention to withdraw from the compact to the other states party hereto.

VIII. It is hereby declared that the word "state" as used in this subdivision means any one of the several states and Alaska, Hawaii, the Commonwealth of Puerto Rico, the Virgin Islands, and the District of Columbia. It is hereby recognized and further declared that pursuant to the consent and authorization contained in Section 111 (b) of title 4 of the United States Code as added by Public Law 970-84th Congress, Chapter 941-2d Session, this state shall be a party to said Interstate Compact for the Supervision of Parolees and Probationers with any additional jurisdiction legally joining therein when such jurisdiction shall have enacted said compact, in accordance with the terms thereof.

16 Repeal. RSA 651:37 through RSA 651:56, relative to parole, are hereby repealed.

17 Transition; Parole Board. The incumbent members of the state parole board as of the effective date of this act shall become members of the board of parole and shall complete their existing terms. The governor shall appoint additional members as needed. To provide for staggered terms one new member shall be appointed for a 3-year term and the remaining new members shall be appointed to 5-year terms. The governor shall determine which initial appointments shall be for less than full terms and shall designate the chairman of the new board.

18 Unclassified Salaries. Amend RSA 94:1-a, I (supp) as inserted by 1975, 505:28 as amended by inserting in proper alphabetical order in group J the following (Executive assistant, state board of parole).

19 Transition; Commissioner. On the effective date of this act, the incumbent director of probation shall become the first commissioner of probation and parole and shall serve in that office until July 1, 1985. At that time, or earlier if the position becomes vacant, the governor, with the consent of the council, shall appoint a commissioner for a 4-year term.

20 Positions Terminated. Amend RSA 94:1-a, I (supp) as inserted by 1975, 505:28 as amended by striking out in group K "Parole officer" and by striking out in group M "Director of probation".

21 Sunset Termination Date. The department of probation and parole, established by section 1 of this act, and the board of parole established by section 15 of this act, shall terminate July 1, 1989, pursuant to RSA 17-G. PAU's are hereby established for the department of probation and parole, and for the board of parole.

22 Effective Date.

I. Section 20 of this act shall take effect September 1, 1983.

II. The remainder of this act shall take effect August 1, 1983.

Rep. Daniel Healy moved that the words, Inexpedient to Legislate, be substituted for the Committee report, Ought to Pass with Amendment, and spoke to his motion.

Rep. Lane spoke against the motion and yielded to questions.

Rep. Sytek spoke against the motion.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

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YEAS 27

BELKNAP: Matthew Locke.

CARROLL: None.

CHESHIRE: Boulter.

COOS: Coulombe and Valliere.

CRAFTON: None.

HILLSBOROUGH: Richard Ahern, Brack, Cronin, Crotty, Daniel Healy, David Lemire, Levesque, Migneault, Morrisette, Nickerson, Talbot, Vachon and Zajdel.

MERRIMACK: Jacobson, LaBranche and Mercier.

ROCKINGHAM: John Hynes.

STRAFFORD: Bernard, Blouin, Donnelly, Kincaid and Ralph Torr.

SULLIVAN: Converse.

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BELKNAP: Bastraw, Birch, Bolduc, Dexter, Gary Dionne, French, Golden, Hardy, Holbrook, Lamprey, Nighwander, Pearson, Randall, Sanders, David Whittemore and Zeckhausen.

CARROLL: Ashnault, Chase, Dickinson, Heath, Robert Holmes, Hraba, Kenneth MacDonald, Murphy, Powers and Saunders.

CHESHIRE: Eugene Clark, Crane, Davis, Daniel Eaton, Galloway, Gordon, Grodin, Elmer Johnson, Lane, Miller, Parker, Perkins, Perry, William Riley and Scranton.

COOS: Harold Burns, Chappell, Chardon, Guay, Horton, David King, Langley, Pelletier, Theriault and York.

CRAFTON: Blair, Chambers, Christy, Copenhaver, Crory, Densmore, Downing, Driscoll, Duggan, Easton, Girouard, Harnish, Hutchings, Michael King, Wayne King, LaMott, Logan, Mann, McAvoy, Rounds, Stewart, Taffe, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Abrams, Debora Ahern, Ahrens, Arnold, Arris, Bass, Bolan, Boutwell, Burkush, John Burns, Leslie Burns, Carragher, Charbonneau, Cote, Craig, Donovan, Drewiak, Duffett, Duprey, Durant, Joseph Eaton, Fields, Ford, Galway, Gelinas, Grasso, Grip, Harrington, George Hawkins,

Head, Hendrick, Humphrey, Jean, Kaklamanos, Kashulines, Katsiaficas, Keefe, Robert Kelley, Knight, Lamy, John Lawrence, Leclerc, Lefebvre, Lynde, Lyons, Martineau, Howard Mason, McGlynn, Nelson, Nute, O'Rourke, Paradis, Parmenter, Marjorie Peters, Pressly, Quinn, Raiche, Peter Ramsey, Reidy, Resch, Ellen-Ann Robinson, Roy, Russell, Sallada, Silva, B. P. Smith, Leonard Smith, Soucy, Spirou, Steiner, James Sullivan, Mary Sullivan, Sylvia, Turgeon, Van Loan, Wagner, Roger Wallace, Ware, Geraldine Watson, Harold Watson, Wells, Emma Wheeler, Kenneth Wheeler, Robert Wheeler, Eleanor Whittemore, M. Arnold Wight, Winn and Lucille Wood.

MERRIMACK: Allgeyer, Anderson, Bardsley, Bibbo, Laurent Boucher, Bowes, Cate, Chynoweth, Samuel Clark, Daniell, Dean, Degnan, Gross, Mary Holmes, Kidder, Kinhan, Arthur Locke, Maltais, McDonnell, Nichols, Pannell, Parrish, Phelps, Doris Riley, Louise Roberts, William Roberts, Walter Robinson, Rogers, Savaria, Shepard, Gerald R. Smith, Stark, Stio, Lawrence Sulliv: Trombly, Underwood, Wallner and James Whittemore.

ROCKINGHAM: Ames, Bangs, Belanger, Beliveau, Benton, Blaisdell, Blanchette, William Boucher, Burdick, Butler, Campbell, Case, Cotton, Cressy, Danderson, Day, Drake, Ellyson, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Greene, Gregorio, Hollingworth, Joslyn, Kane, Katsakiores, Keenan, Glenden Kelley, Roger King, Kozacka, Krasker, Leslie, LoFranco, Longworth, Lovejoy, Joseph MacDonald, Mace, Malcolm, Robert Mason, McLane, William Moore, Nevins, Newell, Newman, Palumbo, Pantelakos, Parr, Popov, Quimby, Romoli, Rosencrantz, Scamman, Schmidtchen, Schwaner, Sherburne, Simon, Skinner, Sloan, Sochalski, Stork, Sytek, Tavitian, Tufts, Vartanian, Vecchione, Walker, Warburton, Webster and Woodward.

STRAFFORD: Appleby, Banks, Belhumeur, Chagnon, Chamberlin, Chisholm, Couture, Demers, Dingle, Albert Dionne, Fielding, Flynn, Hennessey, Hussey, Robert Jones, Joos, Lussier, Paul Meader, Pelley, Francis Robinson, Sackett, Schreiber, Gerald L. Smith, Timm, Franklin Torr and Whiting.

SULLIVAN: Brodeur, Carlson, Gray, Ingram, Paul Johnson, Palmer, Reney and Townsend, and the motion lost.

Amendment adopted.

Referred to Appropriations.

Rep. Thomas Gage notified the Clerk that he wished to be recorded against Section 19 of HB 142.

HB 375-FN, establishing the special study commission on comparable worth in state employment. Ought to Pass.

This bill establishes a special study commission on comparable worth in state employment, which will assess comparable worth and recommend corrective action. Vote 12-2. Rep. Larry Converse for Labor, Human Resources and Rehabilitation.

Ordered to third reading.

HB 91, relative to the reconstruction of Camp Sargent road and making an appropriation therefor. Ought to Pass with Amendment.

The Committee felt that if the Town of Merrimack were willing to contribute half the cost to improve Camp Sargent Road the bill ought to pass - 50 percent by the State and 50 percent by the Town of Merrimack. The state contribution will be \$1,075,000. Vote 19-0. Rep. Darrell A. Wagner for Public Works.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Appropriation. The sum of \$1,075,000 is hereby appropriated to the department of public works and highways representing the state's 50 percent share of the cost for the reconstruction of Camp Sargent road between its junction with Continental boulevard and New Hampshire Route 101-A near the Merrimack-Nashua town line. This appropriation is for the biennium ending June 30, 1985; provided, however, the appropriation shall be non-lapsing if the town of Merrimack provides the town's 50 percent share of the cost for this project. This shall be a charge against the highway fund.

2 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Referred to Appropriations.

HB 158-FN, relative to sunset review of centralized data processing - administration and support. Ought to Pass with Amendment. The Committee feels that a restructuring of the agency is highly desirable, but this change should occur only after executive branch reorganization establishes a new organizational framework. Therefore, the Committee recommends an extension of only two years. Vote 7-3. Rep. John E. Burns for Science and Technology.

#### Amendment

Amend section 1 of the bill by striking out same and inserting in place thereof the following:

1 Sunset; Centralized Data Processing - Administration and Support Renewed. Centralized data processing - administration and support, PAU 010501, is hereby renewed to comply with RSA 17-G. Notwithstanding the provisions of RSA 17-G:8, III the agency or program shall terminate on July 1, 1985.

Amendment adopted.

Ordered to third reading.

HB 360, relative to the elimination of the 70 m.p.h. absolute speed limit. Inexpedient to Legislate.

The existing statute 265:62, II, allows the Commissioner of Public Works and Highways to recommend, and a determination by the Governor and

Council that it is in the public interest to conserve motor fuels or to conform with other national goals, may establish temporary prima facie speed limits when appropriate signs giving notice of speed limits are erected. Since the prima facie speed in RSA 265:60, II, (d) is 55 mph and the appropriate signs are in place, the requested changes in HB 360 were not considered necessary. Vote 11-2. Rep. K. Michael Tavitian for Transportation.

Resolution adopted.

HB 295-FN, creating the transmission authority state of New Hampshire. Inexpedient to Legislate.

The Committee believes that although HB 295 was well intended, there was no clear need demonstrated for the establishment of a transmission authority. It should also be noted that the New England Power Pool opposed this piece of legislation as a duplicative effort on the part of the Legislature which would add an unneeded level of bureaucracy. Vote 17-0. Rep. V. Michael Hutchings for Executive Departments and Administration.

Rep. Guay moved that the words, Refer for Interim Study, be substituted for the Committee report, Inexpedient to Legislate, and spoke to his motion.

Rep. Ward spoke against the motion and yielded to questions.

Motion lost.

Rep. Guay spoke against the Committee report.

Rep. Newman spoke in favor of the committee report.

Resolution adopted.

HB 301-FN, establishing a political campaign financing fund. Inexpedient to Legislate.

If this bill were enacted it would have a substantial effect on the ability of both the citizen and the candidates to the right of free speech. Vote 9-0. Rep. Natalie S. Flanagan for Statutory Revision.

Rep. Jacobson moved that the words Refer for Interim Study be substituted for the Committee report, Inexpedient to Legislate, and spoke to his motion.

Reps. Flanagan, Fields and Rounds spoke against the motion.

Reps. Sprou and Daniell spoke in favor of the motion.

Motion lost.

Resolution adopted.

HB 248-FN, relative to taxing electricity. Inexpedient to Legislate. This bill would add to the already high New England cost of electricity and create a climate unfavorable for business and industry. It would also burden those people who can least afford additional energy costs. Vote 18-0. Rep. Susan Lawrence for Ways and Means.

Rep. Easton moved that the words Ought to Pass be substituted for the Committee report, Inexpedient to Legislate, spoke to his motion and yielded to questions.

Rep. Grip spoke against the motion.

Motion lost.

Resolution adopted.

### THREE LEGISLATIVE DAY EXTENSIONS GRANTED

HB 45, to increase the penalty for refusal to take the chemical testing to determine alcohol content of blood.

HB 189, relative to district court financing.

### VACATE

Rep. Mann moved that the House vacate the reference of HB 538, relative to police presence at dances, carnivals and circuses to the Committee on Municipal and County Government.

Adopted.

The Speaker referred HB 538 to the Committee on Public Protection and Veterans Affairs.

Rep. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourn today it be to meet Tuesday, April 5 at 1:00 p.m.

Adopted.

### LATE SESSION

Third reading and final passage

HB 233-FN, relative to the licenses for bait dealers.

HB 254-FN, relative to a resident commercial salt water fishing license.

HB 349, providing restitution to the state for illegal taking or possessing game animals, game birds and fur bearing animals.

HB 137-FN, relative to sunset review of the department of health and welfare - division of welfare, clarifying the rulemaking authority of the division of welfare, requiring cost control reports and creating a joint committee on health care costs.

HB 338-FN, relative to fees collected by the registers of deeds in Carroll and Coos counties.

HB 342-FN, relative to increasing the maximum locally imposed fine for violation of a local bylaw.

HB 383-FN, prohibiting tax exemptions for the legally blind who hold driver's licenses.

SB 10-FN, revising the park boundary line of Hilton State Park.

HB 308-FN, relative to the discount allowed on the price of liquor sold to on-sale permittees by the liquor commission.

HB 357, relative to the acquisition of a dam in disrepair by a town or village

district and proceedings before the water resources board.

HB 159-FN, relative to sunset review of centralized data processing - data processing operation.

HB 161-FN, relative to sunset review of centralized data processing - systems development.

HB 162-FN, relative to sunset review of centralized data processing - agency revenues.

HB 273-FN, requiring presidential primary checklists to be deposited at the state archives and with the clerk of the federal district court and making certain other changes in the election laws.

HB 297-FN, establishing a committee to study ethics in government.

HB 350, prohibiting political advertising from being displayed on law enforcement and government vehicles.

HB 361, requiring the checklist used at any state election to include the full name, address, and political affiliation of each voter.

HB 284-FN, exempting privately owned school buses from the gas tax.

HB 394-FN, amending various provisions of the motor vehicle laws.

HB 114-FN, relative to sunset review of the N.H. higher education and health facilities authority.

HB 366-FN, establishing a joint administrative rules committee.

HB 201, relative to the training of dogs.

HB 368-FN, relative to a non resident minor's fishing license.

HB 375-FN, establishing the special study commission on comparable worth in state employment.

HB 158-FN, relative to sunset review of centralized data processing - administration and support.

### PERSONAL PRIVILEGE

Rep. Greene addressed the House under personal privilege.

Thank you, Mr. Speaker. Members of the House, I rise under personal privilege to express my outrage and annoyance at the attack upon my committee and myself by the President of the Retail Grocers' Association, who referred to the Environment and Agriculture Committee members as narrow-minded and the committee as loaded with channel-visioned people who pretend to be environmentalists, but are only concerned with the item they know about, returning beer and soda containers, empty, I hope.

In addition, a completely uncalled for attack was made on Commissioner Price of Revenue Administration who had made it quite clear in his testimony that he was speaking neither for nor against the bill, but was just providing information which he had been requested to.

I consider that my committee is a hardworking, fair and conscientious group of legislators which in no way deserves to be the target of any such uncalled-for abuse as Mr. Dixon delivered. I want it understood I deeply resent this. I am not particularly concerned that in the burst of invective my



name was misspelled, or that I was personally called biased. I am quite certain I can leave the House to judge for themselves whether this was a justified complaint. I do however repeat that I deeply resent, the I feel uncalled for blanket attack on the Environment and Agriculture Committee, especially since it included the six members who were in support of Mr. Dixon's legislation and the two who were absent.

Rep. Rounds moved that Rep. Greene's remarks be printed in the House Journal.

Adopted.

#### UNANIMOUS CONSENT

Rep. Parr addressed the House by unanimous consent.

Rep. Rounds moved that the House stand in recess for the purpose of Introduction of Bills and Enrolling Reports only.

Adopted.

The House recessed at 3:30 p.m.

#### RECESS

(Speaker Pro Tem in the Chair)

Rep. Townsend offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 640 through 730 and 732 through 838, and House Joint Resolution numbered 4, and Concurrent Resolutions Proposing Constitutional Amendments number 17 and 19 through 21, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF HOUSE BILLS, CACRs AND HJR First, second reading and referral

HB 640-FN, to establish a driving while intoxicated task force office. (Lussier of Strafford Dist. 8 - To Judiciary)

HB 641-FN, requiring the state of New Hampshire to pay interest on all bills and obligations of the state paid more than 45 days after payment was due. (Burns of Coos Dist. 5; Grip of Hillsborough Dist. 7 - To Appropriations)

HB 642-FN, relative to the appointment of guardians for persons admitted for in-patient treatment on an involuntary basis. (Harnish of Grafton Dist. 7; Kinhan of Merrimack Dist. 13 - To Judiciary)

HB 643-FN, relative to fees, definitions and enforcement procedures relative to hazardous waste. (Copenhaver of Grafton Dist. 12; Wight of Hillsborough Dist. 9 - To Environment and Agriculture)

HB 644-FN, relative to driving while intoxicated. (Dickinson of Carroll Dist. 2 - To Judiciary)

HB 645-FN, relative to certificates of need. (Copenhaver of Grafton Dist. 12; Blanchette of Rockingham Dist. 12; Head of Hillsborough Dist. 9 - To Health and Welfare)

HB 646-FN, establishing a department of transportation. (Abrams of Hillsborough Dist. 6 - To Executive Departments and Administration)

HB 647, relative to the Gunstock area commission. (Dionne of Belknap Dist. 10; Hawkins of Belknap Dist. 5; French of Belknap Dist. 4; Bolduc of Belknap Dist. 10; Randall of Belknap Dist. 3 - To Municipal and County Government)

HB 648-FN, relative to smoke detectors in rental units. (Malcolm of Rockingham Dist. 17; Walker of Rockingham Dist. 17 - To Public Protection and Veterans' Affairs)

HB 649-FN, relative to redemption after a tax sale. (Phelps of Merrimack Dist. 1 - To Municipal and County Government)

HB 650-FN, relative to court procedures and the select commission to examine a unified court system. (Sytek of Rockingham Dist. 20 - To Judiciary)

HB 651-FN, relative to repayment of counsel expenses by indigent defendants. (Sytek of Rockingham Dist. 20 - To Judiciary)

HB 652, requiring candidates to report all advertising and mailing expenses during the candidacy period. (Jacobson of Merrimack Dist. 2 - To Statutory Revision)

HB 653-FN, relative to property tax exemptions for senior citizens. (Ahrens of Hillsborough Dist. 13 - To Municipal and County Government)

HB 654-FN, establishing a state fair authority. (Blaisdell of Rockingham Dist. 13 - To Executive Departments and Administration)

HB 655-FN, relative to beano at campgrounds and beano for children. (Blaisdell of Rockingham Dist. 13 - To Regulated Revenues)

HB 656-FN, establishing a controlled substances board and making an appropriation therefor. (Sytek of Rockingham Dist. 20; Nighswander of Belknap Dist. 5; Eaton of Cheshire Dist. 4; Lane of Cheshire Dist. 15; Champagne of Dist. 20 - To Executive Departments and Administration)

HB 657, relative to the administrative procedures act. (Chardon of Coos Dist. 6; Mace of Rockingham Dist. 21; Lamprey of Belknap Dist. 1; H. Watson of Hillsborough Dist. 13; Demers of Strafford Dist. 9; Carswell of Dist. 9; Champagne of Dist. 20 - To Executive Departments and Administration)

HB 658, relative to special education for certain minors and children. (Taffe of Grafton Dist. 6 - To Education)

HB 659-FN, relative to occupational and professional regulation. (Townsend of Sullivan Dist. 1; Abrams of Hillsborough Dist. 6; Stabile of Dist. 12; Splaine of Dist. 24 - To Executive Departments and Administration)

HB 660-FN, relative to capital punishment. (Locke of Belknap Dist. 6 - To Judiciary)

HB 661-FN, relative to aestheticians licensing. (Charbonneau of Hillsborough Dist. 21 - To Executive Departments and Administration)

HB 662-FN, relative to the license fees and qualifications for barbers and cosmetologists. (Charbonneau of Hillsborough Dist. 21 - To Executive Departments and Administration)

HB 663, relative to barber and cosmetologist continuing education requirements for license renewal. (Charbonneau of Hillsborough Dist. 21 - To Executive Departments and Administration)

HB 664, relative to contiguous nonconforming lots. (Pannell of Merrimack Dist. 6; Phelps of Merrimack Dist. 1 - To Municipal and County Government)

HB 665, updating and amending the uniform laws on interstate and intrastate fresh pursuit. (J. Flanders of Rockingham Dist. 10; Eaton of Cheshire Dist. 4 - To Transportation)

HB 666-FN, relative to district court financing by district court districts. (Cate of Merrimack Dist. 13 - To Judiciary)

HB 667, relative to the admissibility of refusal to take the chemical test for blood alcohol content. (Knight of Hillsborough Dist. 6; Eaton of Cheshire Dist. 4; White of Dist. 11 - To Judiciary)

HB 668, making blood alcohol tests of person arrested for driving while intoxicated inadmissible if administered by the arresting officer. (Kennedy of Cheshire Dist. 17 - To Judiciary)

HB 669-FN, allowing persons arrested for driving while intoxicated to choose among taking a blood, urine or breath test. (Kennedy of Cheshire Dist. 17 - To Judiciary)

HB 670, permitting suits against administrators under certain conditions. (Kennedy of Cheshire Dist. 17 - To Judiciary)

HB 671, increasing the time within which a personal injury action may be brought against an estate. (Kennedy of Cheshire Dist. 17 - To Judiciary)

HB 672, relative to actions allowed against insolvent estates. (Kennedy of Cheshire Dist. 17 - To Judiciary)

HB 673-FN, amending the workmen's compensation laws relative to scheduled permanent impairment awards. (Kennedy of Cheshire Dist. 17 - To Labor, Human Resources and Rehabilitation)

HB 674-FN, relative to a uniform business tax. (Scamman of Rockingham Dist. 19 - To Ways and Means)

HB 675-FN, relative to the licensing and regulation of youth camps. (Ahlgren of Hillsborough Dist. 32 - To Health and Welfare)

HB 676-FN, relative to sovereign immunity and the defense and indemnification of state employees. (Scamman of Rockingham Dist. 19 - To Judiciary)

HB 677-FN, to require a mandatory sentence for robbery in certain circumstances. (Hawkins of Belknap Dist. 5 - To Judiciary)

HB 678, permitting the issuance of oral search warrants. (Hawkins of Belknap Dist. 5 - To Judiciary)

HB 679, relative to the interception of oral and wire communications. (Hawkins of Belknap Dist. 5 - To Judiciary)

HB 680-FN, relative to the manufacture, sale and possession of dangerous weapons. (Hawkins of Belknap Dist. 5 - To Judiciary)

HB 681-FN, relative to the time of payment of certain wages. (Hawkins of Belknap Dist. 5 - To Labor, Human Resources and Rehabilitation)

HB 682, requiring certification by the state fire marshal of certain firefighting units. (Demers of Strafford Dist. 9 - To Public Protection and Veterans' Affairs)

HB 683-FN, relative to disorderly and reckless operation of motor vehicles. (Perkins of Cheshire Dist. 9; Eaton of Cheshire Dist. 4 - To Transportation)

HB 684-FN, relative to responsibility for the payment of accrued liability by political subdivisions and certain specialized schools which withdraw from the retirement system. (Kozacka of Rockingham Dist. 13 - To Executive Departments and Administration)

HB 685-FN, updating statutes relative to tax exemptions. (Perry of Cheshire Dist. 10; King of Rockingham Dist. 4 - To Municipal and County Government)

HB 686-FN, requiring suspension of the driver's license of any resident who fails to appear or pay a fine in connection with a violation of the motor vehicle laws. (Perkins of Cheshire Dist. 9; Eaton of Cheshire Dist. 4 - To Transportation)

HB 687-FN, requiring any person filing a suit which delays the construction of a state highway or energy facility to post a bond. (Guay of Coos Dist. 7; Theriault of Coos Dist. 8; York of Coos Dist. 8; Lemire of Coos Dist. 8 - To Public Works)

HB 688, making electronic banking available to credit unions. (Lamy of Hillsborough Dist. 37; Gelinas of Hillsborough Dist. 34; Christy of Grafton Dist. 11; Poulsen of Dist. 2; Hough of Dist. 5; Blaisdell of Dist. 10 - To Commerce, Housing and Consumer Affairs)

HB 689-FN, relative to the regulation of auctioneers. (Allgeyer of Merrimack Dist. 7; Shepard of Merrimack Dist. 5; Jacobson of Merrimack Dist. 2 - To Executive Departments and Administration)

HB 690, requiring that churches be billed for electricity at residential rates. (Smith of Merrimack Dist. 16 - To Commerce, Housing and Consumer Affairs)

HB 691-FN, providing for the calling of a constitutional convention and making an appropriation therefor. (Eaton of Hillsborough Dist. 1; Chase of Carroll Dist. 6 - To Constitutional Revision)

HB 692-FN, requiring the water supply and pollution control commission to charge such amounts for certain inspections to enable such functions to be self supporting. (Jacobson of Merrimack Dist. 2 - To Resources, Recreation and Development)

HB 693-FN, relative to returning retirement system members' accumulated contributions. (Belhumeur of Strafford Dist. 6 - To Executive Departments and Administration)

HB 694, relative to the receipt of stolen property. (Kennedy of Cheshire Dist. 17 - To Judiciary)

HB 695-FN, relative to withdrawal and fringe benefits for certain unclassified state employees under the retirement system. (Belhumeur of Strafford Dist. 6 - To Executive Departments and Administration)

HB 696-FN, amending the workmen's compensation laws to update language and rectify other matters. (Skinner of Rockingham Dist. 21 - To Labor, Human Resources and Rehabilitation)

HB 697-FN, relative to emergency interim successors under the emergency interim succession act. (Belhumeur of Strafford Dist. 6 - To Statutory Revision)

HB 698-FN, relative to fireworks. (Mercier of Merrimack Dist. 10; LaBranche of Merrimack Dist. 10 - To Public Protection and Veterans' Affairs)

HB 699-FN, reducing the normal contribution rate to the New Hampshire retirement system which certain employers must pay. (Walker of Rockingham Dist. 17 - To Executive Departments and Administration)

HB 700-FN, relative to the Manchester retirement system. (Healy of Hillsborough Dist. 30 - To Municipal and County Government)

HB 701-FN, eliminating the requirement that the secretary of state send copies of RSA 664 relative to political expenditures and contributions to candidates in primary and general elections. (Paradis of Hillsborough Dist. 6 - To Statutory Revision)

HB 702-FN, providing for the licensing of transporters of hazardous materials and wastes and defining the penalty structure and rulemaking process for hazardous materials or wastes transportation. (Wight of Hillsborough Dist. 9 - To Environment and Agriculture)

HB 703-FN, requiring the cost of medical and health insurance coverage for certain retired permanent policemen to be provided by the state retirement system. (Healy of Hillsborough Dist. 33; Cronin of Hillsborough Dist. 33 - To Executive Departments and Administration)

HB 704-FN, relative to public hearings on change of size of board of selectmen. (Blanchette of Rockingham Dist. 12 - To Municipal and County Government)

HB 705-FN, providing optional allowances for the beneficiary of a deceased retirement system member. (Blanchette of Rockingham Dist. 12 - To Municipal and County Government)

HB 706-FN, relative to the awarding of fees and other expenses in civil actions involving state agencies. (Burns of Coos Dist. 5; Grip of Hillsborough Dist. 7 - To Judiciary)

HB 707-FN, relative to the employer's contribution rate under the New Hampshire retirement system for group II members. (Holbrook of Belknap Dist. 13; Lamprey of Belknap Dist. 1; Lessard of Dist. 21 - To Executive Departments and Administration)

HB 708-FN, relative to parking in the city of Concord. (Eaton of Cheshire Dist. 4; Dickinson of Carroll Dist. 2 - To Municipal and County Government)

HB 709, requiring municipalities to allow cluster zoning. (Vecchione of Rockingham Dist. 23 - To Municipal and County Government)

HB 710, prohibiting municipalities from imposing certain restrictions on subdivision developments. (Vecchione of Rockingham Dist. 23 - To Municipal and County Government)

HB 711-FN, permitting a municipality to establish a reserve for fiscal year change cost. (Lawrence of Hillsborough Dist. 19 - To Municipal and County Government)

HB 712-FN, to eliminate the right to appeal for a trial de novo upon conviction of certain violations. (Schreiber of Strafford Dist. 4 - To Judiciary)

HB 713, to prohibit the possession of short-barrel shotguns, silencers, and teflon-coated, armor-piercing and exploding bullets. (Flanders of Rockingham Dist. 10; Blake of Rockingham Dist. 6; Eaton of Cheshire Dist. 4 - To Public Protection and Veterans' Affairs)

HB 714-FN, relative to provision of legal liability information by parents of certain minors. (Ahlgren of Hillsborough Dist. 32 - To Health and Welfare)

HB 715-FN, to require the department of revenue administration to obtain a court order before distraining the contents of a safe deposit box. (Spiro of Hillsborough Dist. 31; Demers of Strafford Dist. 9 - To Judiciary)

HB 716-FN, to increase the size of the current use advisory board. (Campbell of Rockingham Dist. 20 - To Environment and Agriculture)

HB 717-FN, relative to a fee for subdivisions of land. (Pannell of Merrimack Dist. 6 - To Municipal and County Government)

HB 718-FN, relative to information required on birth, marriage, and death certificates. (Dickinson of Carroll Dist. 2; Flanders of Rockingham Dist. 5; Heath of Carroll Dist. 4 - Executive Departments and Administration)

HB 719-FN, requiring the board of tax and land appeals to tape record hearings and make the tape available to the public. (Jacobson of Merrimack Dist. 2 - To Ways and Means)

HB 720-FN, relative to adopting the federal numbering system for all watercraft 15 feet and over in length and imposing a water use permit fee. (Hawkins of Belknap Dist. 5 - To Transportation)

HB 721, requiring group health insurers to continue health coverage for divorced or separated spouses of the member. (Katsiaficas of Hillsborough Dist. 28 - To Commerce, Housing and Consumer Affairs)

HB 722, relative to the discharge and removal of county employees. (Oleson of Coos Dist. 7 - To Municipal and County Government)

HB 723-FN, relative to the board of tax and land appeals. (Sylvia of Hillsborough Dist. 1 - To Ways and Means)

HB 724-FN, relative to retirement salaries for district court justices. (McDonnell of Merrimack Dist. 16 - To Judiciary)

HB 725-FN, relative to limited electrical energy producers. (Smith of Hillsborough Dist. 19; Hutchings of Grafton Dist. 8; King of Grafton Dist. 6 - To Science and Technology)

HB 726-FN, relative to juvenile offenders at the youth development center. (Sytek of Rockingham Dist. 20; Kelly of Dist. 14 - To Health and Welfare)

HB 727-FN, relative to fees for criminal record checks and for private detectives and security guard services. (Mercier of Merrimack Dist. 10; LaBranche of Merrimack Dist. 10 - To Public Protection and Veterans' Affairs)

HB 728-FN, relative to screening for long term care. (Copenhaver of Grafton Dist. 12; Katsiaticas of Hillsborough Dist. 28; Townsend of Sullivan Dist. 1 - To Health and Welfare)

HB 729, relative to the naming of children on birth certificates. (Stewart of Grafton Dist. 4; McLane of Rockingham Dist. 24; Chambers of Grafton Dist. 12 - To Executive Departments and Administration)

HB 730-FN, providing for a joint legislative committee to oversee the sale of Skyhaven airport. (Abrams of Hillsborough Dist. 6; Allen of Dist. 3 - To Transportation)

HB 732-FN, establishing a commission to recodify the criminal laws. (Kaklamanos of Hillsborough Dist. 26 - To Judiciary)

HB 733-FN, limiting rafting of boats, regulating distance between stationary boats, and expanding enforcement. (Heath of Carroll Dist. 4; Dionne of Strafford Dist. 5; Sanders of Belknap Dist. 6; McIntire of Carroll Dist. 4 - To Resources, Recreation and Development)

HB 734-FN, to require reporting of certain nuclear accidents to state and local authorities. (Hollingworth of Rockingham Dist. 17; Easton of Grafton Dist. 11; Keenan of Rockingham Dist. 14 - To Science and Technology)

HB 735-FN, requiring inmates of the state prison to pay for the costs of their incarceration. (Hollingworth of Rockingham Dist. 17 - To Judiciary)

HB 736, relative to absentee voting for school district elections. (Kelley of Hillsborough Dist. 13 - To Statutory Revision)

HB 737, relative to the election of representatives to the general court from the city of Concord. (Gross of Merrimack Dist. 15 - To Statutory Revision)

HB 738-FN, permitting the town of Clarksville to expend tax revenues for the plowing of certain private driveways. (King of Coos Dist. 1 - To Municipal and County Government)

HB 739, relative to the cancellation and refusal to renew insurance policies. (Boucher of Merrimack Dist. 9 - To Commerce, Housing and Consumer Affairs)

HB 740, relative to the average daily balance method of billing. (Newman of Rockingham Dist. 24 - To Commerce, Housing and Consumer Affairs)

HB 741-FN, creating 2 superior court districts within Hillsborough county. (Kaklamanos of Hillsborough Dist. 26 - To Judiciary)

HB 742, relative to solar and wind energy and alternative energy sources. (Wight of Hillsborough Dist. 9; Kaklamanos of Rockingham Dist. 26; Smith of Hillsborough Dist. 19; Pannell of Merrimack Dist. 6; King of Grafton Dist. 6 - To Science and Technology)

HB 743-FN, relative to certain retirement pay and unemployment compensation benefits. (Spirou of Hillsborough Dist. 31; King of Grafton Dist. 12; Matson of Cheshire Dist. 7 - Labor, Human Resources and Rehabilitation)

HB 744-FN, establishing a department of corrections. (Mace of Rockingham Dist. 21;

Watson of Hillsborough Dist. 13; Rosencrantz of Rockingham Dist. 15; Carswell of Dist. 9 - To Executive Departments and Administration)

HB 745-FN, amending the business profits tax. (Ahern of Hillsborough Dist. 30 - To Ways and Means)

HB 746, providing local government representation on the New Hampshire retirement system board of trustees. (Barber of Cheshire Dist. 17 - To Executive Departments and Administration)

HB 747, permitting victims or their next of kin to appear and speak at sentencing and parole hearings. (Lyons of Hillsborough Dist. 22; Newman of Rockingham Dist. 24; Nelson of Hillsborough Dist. 28; Splaine of Dist. 24 - To Judiciary)

HB 748-FN, increasing boat registration fees; providing for the registration of sail boats; transferring the unrefunded gas tax for marine use to safety services and providing a restricted fund for boating safety enforcement. (Bastrow of Belknap Dist. 9 - To Transportation)

HB 749-FN, relative to the appellate division and appeal tribunal of the department of employment security. (King of Grafton Dist. 12; Rounds of Grafton Dist. 10; Stephen of Dist. 18; Hough of Dist. 5 - To Labor, Human Resources and Rehabilitation)

HB 750, increasing the penalty for certain types of reckless conduct. (Gage of Rockingham Dist. 13; Eaton of Cheshire Dist. 4 - Judiciary)

HB 751, relative to employee access to personnel files. (Chambers of Grafton Dist. 12 - To Labor, Human Resources and Rehabilitation)

HB 752-FN, defining full time employment for benefit purposes. (Chambers of Grafton Dist. 12 - To Labor, Human Resources and Rehabilitation)

HB 753, to establish the incorporation of consumer cooperative associations with the state of New Hampshire. (Chambers of Grafton Dist. 12; Easton of Grafton Dist. 11 - To Commerce, Housing and Consumer Affairs)

HB 754, relative to the offices of commissioner and deputy commissioner of safety. (Bolan of Hillsborough Dist. 22 - To Executive Departments and Administration)

HB 755, relative to county attorneys. (Bolan of Hillsborough Dist. 22; Duprey of Hillsborough Dist. 28 - To Municipal and County Government)

HB 756, relative to administrative inspection warrants. (Bolan of Hillsborough Dist. 22 - To Judiciary)

HB 757, establishing a state fire code. (Bolan of Hillsborough Dist. 22 - To Public Protection and Veterans' Affairs)

HB 758-FN, relative to the representation of indigent defendants. (Bolan of Hillsborough Dist. 22 - To Judiciary)

HB 759, relative to nonwaiver of the warranties of merchantability and fitness for a particular purpose. (Bolan of Hillsborough Dist. 22 - To Commerce, Housing and Consumer Affairs)

HB 760, providing for the awarding of expenses, interest and attorneys' fees in certain civil actions. (Bolan of Hillsborough Dist. 22 - To Judiciary)



HB 761, relative to regulation of installment interest rates and general disclosure. (Bolan of Hillsborough Dist. 22 - To Commerce, Housing and Consumer Affairs)

HB 762-FN, making reckless conduct and criminal threatening felonies if a deadly weapon is involved. (Mercier of Merrimack Dist. 10; LaBranche of Merrimack Dist. 10; Hawkins of Belknap Dist. 5 - To Judiciary)

HB 763-FN, relative to toxic substances in the workplace. (Baker of Hillsborough Dist. 19; Head of Hillsborough Dist. 9; Greene of Rockingham Dist. 18; Krasker of Rockingham Dist. 25; Skinner of Rockingham Dist. 21; Champagne of Dist. 20; Kelly of Dist. 14; Johnson of Dist. 17; Splaine of Dist. 24 - To Labor, Human Resources and Rehabilitation)

HB 764-FN, relative to municipal and district court nonjudicial personnel. (Holbrook of Belknap Dist. 13 - To Judiciary)

HB 765-FN, relative to collective bargaining for agricultural workers. (Newman of Rockingham Dist. 24 - To Labor, Human Resources and Rehabilitation)

HB 766-FN, removing the social security offset provision under the New Hampshire retirement system. (Gordon of Cheshire Dist. 5 - To Executive Departments and Administration)

HB 767-FN, relative to disability retirement benefits. (Gordon of Cheshire Dist. 5 - To Executive Departments and Administration)

HB 768-FN, requiring the real estate commission to distribute a list of the names of persons passing the real estate exam. (Bolan of Hillsborough Dist. 22 - To Executive Departments and Administration)

HB 769, establishing a New Hampshire public employee safety act. (Barber of Cheshire Dist. 17; Meader of Cheshire Dist. 14; Michaelides of Cheshire Dist. 16; Hough of Dist. 5 - To Labor, Human Resources and Rehabilitation)

HB 770-FN, granting certain municipalities the option of setting their own tax rates. (Lawrence of Hillsborough Dist. 19 - To Municipal and County Government)

HB 771, relative to the court facility escrow account. (Schreiber of Strafford Dist. 4 - To Judiciary)

HB 772, relative to the use and possession of body armor. (Flanders of Rockingham Dist. 10; Eaton of Cheshire Dist. 4 - To Public Protection and Veterans' Affairs)

HB 773, re-establishing the New Hampshire transportation authority. (Parrish of Merrimack Dist. 16; McDonnell of Merrimack Dist. 16 - To Executive Departments and Administration)

HB 774, relative to inheritance of children born of unwed parents. (King of Coos Dist. 1 - To Judiciary)

HB 775, permitting greyhound kennels at off-track locations. (Kashulines of Hillsborough Dist. 19 - To Regulated Revenues)

HB 776, giving dogs from greyhound racing kennels in the state preference at dog races. (Kashulines of Hillsborough Dist. 19 - To Regulated Revenues)

HB 777, relative to voter registration. (Spirou of Hillsborough Dist. 31; Burdick of

Rockingham Dist. 7; Walter of Grafton Dist. 13; Splaine of Dist. 24; Hough of Dist. 5; McLane of Dist. 15 - To Statutory Revision)

HB 778, relative to employee benefits in the event of a business closing. (Spirou of Hillsborough Dist. 31; Burdick of Rockingham Dist. 7; Demers of Strafford Dist. 9; Danderson of Rockingham Dist. 11 - To Labor, Human Resources and Rehabilitation)

HB 779-FN, relative to binding arbitration for public employees. (Spirou of Hillsborough Dist. 31; Hickey of Cheshire Dist. 13; Michaelides of Cheshire Dist. 16; Sullivan of Cheshire Dist. 12; Flanders of Rockingham Dist. 10 - To Labor, Human Resources and Rehabilitation)

HB 780-FN, relative to the aeronautics commission. (LaMott of Grafton Dist. 5 - To Executive Departments and Administration)

HB 781-FN, providing group I employee members of the New Hampshire retirement system with full credit for service from July 1, 1977 to June 30, 1979. (Spirou of Hillsborough Dist. 31 - To Executive Departments and Administration)

HB 782, relative to the public employee labor relations law. (Chambers of Grafton Dist. 12; Hutchings of Grafton Dist. 8 - To Labor, Human Resources and Rehabilitation)

HB 783, relative to collective bargaining by state employees. (Chambers of Grafton Dist. 12; Carpenito of Rockingham Dist. 3 - To Labor, Human Resources and Rehabilitation)

HB 784-FN, relative to permissible action by public employees when public employers fail to appropriate funds necessary to honor agreements. (Carpenito of Rockingham Dist. 13; Matson of Cheshire Dist. 7 - Labor, Human Resources and Rehabilitation)

HB 785, to eliminate the limitation of recovery in actions for wrongful death. (Chambers of Grafton Dist. 12 - To Judiciary)

HB 786-FN, relative to delinquent children, abused and neglected children, and children in need of services. (Chambers of Grafton Dist. 12; Kinhan of Merrimack Dist. 13; Nelson of Hillsborough Dist. 28; Kelly of Dist. 14 - To Education)

HB 787-FN, relative to water conservation methods in public buildings and publicly financed construction and reconstruction projects. (Spirou of Hillsborough Dist. 31 - To Public Works)

HB 788-FN, regulating aestheticians. (Spirou of Hillsborough Dist. 31 - To Executive Departments and Administration)

HB 789-FN, amending the elderly property tax exemption to provide for a consistent exemption regardless of the town's equalization ratio. (Lynde of Hillsborough Dist. 20; Boutwell of Hillsborough Dist. 20; Cagnon of Hillsborough Dist. 26; Lussier of Strafford Dist. 8 - To Municipal and County Government)

HB 790, requiring all telephone calls within New Hampshire to be charged at local service rates during night and weekend hours. (Easton of Grafton Dist. 11 - To Commerce, Housing and Consumer Affairs)

HB 791, revising the campaign financing statutes. (Kaklamanos of Hillsborough Dist. 26; Palumbo of Rockingham Dist. 10 - To Statutory Revision)

HB 792, relative to the false advertising of maple products. (Walter of Grafton Dist. 13; Hough of Dist. 5 - To Commerce, Housing and Consumer Affairs)

HB 793, to require optometrists' referrals of their patients to physicians in cases involving certain symptoms. (Carpenito of Rockingham Dist. 20; Butler of Rockingham Dist. 11 - To Health and Welfare)

HB 794, requiring a discount on liability insurance for persons 21 years of age or older who have completed a driver improvement course. (Degan of Merrimack Dist. 16; Wallner of Merrimack Dist. 15; Stark of Merrimack Dist. 14; Splaine of Dist. 24; Freese of Dist. 4; Lessard of Dist. 21 - To Commerce, Housing and Consumer Affairs)

HB 795-FN, eliminating taxpayer inventory blanks. (Easton of Grafton Dist. 11; Palumbo of Rockingham Dist. 10; Hollingworth of Rockingham Dist. 17 - To Municipal and County Government)

HB 796, to regulate the actions of cooperatives. (Easton of Grafton Dist. 11; Chambers of Grafton Dist. 12; Hollingworth of Rockingham Dist. 17 - To Commerce, Housing and Consumer Affairs)

HB 797-FN, relative to mental health professionals. (Kinhan of Merrimack Dist. 13; Nelson of Hillsborough Dist. 28; Dean of Merrimack Dist. 13; Irwin of Sullivan of Dist. 2; Randall of Belknap Dist. 3; Kelly of Dist. 14 - To Executive Departments and Administration)

HB 798-FN, increasing the weekly benefit amount for unemployment compensation. (Lemire of Coos Dist. 8; King of Grafton Dist. 12; Demers of Strafford Dist. 9; Flanders of Rockingham Dist. 10 - To Labor, Human Resources and Rehabilitation)

HB 799-FN, relative to disqualification for unemployment benefits. (King of Grafton Dist. 12; Blanchette of Rockingham Dist. 12 - To Labor, Human Resources and Rehabilitation)

HB 800-FN, relative to tuition benefits for math, science, and industrial arts majors. (Miller of Cheshire Dist. 1 - To Education)

HB 801-FN, clarifying the power of the commission for human rights to order the payment of reasonable attorney's fees. (Raiche of Hillsborough Dist. 34; Hollingworth of Rockingham Dist. 17; Lessard of Dist. 21 - To Judiciary)

HB 802, relative to the education requirements for morticians. (Eaton of Cheshire Dist. 4 - To Executive Departments and Administration)

HB 803-FN, relative to the board of funeral directors and embalmers. (Eaton of Cheshire Dist. 4; French of Belknap Dist. 4 - To Executive Departments and Administration)

HB 804-FN, relative to penalties for violations of chapter 325 relative to morticians. (Eaton of Cheshire Dist. 4; French of Belknap Dist. 4 - To Executive Departments and Administration)

HB 805, to provide for self-government for Strafford county. (Kincaid of Strafford Dist. 7; Chamberlin of Strafford Dist. 4; Timm of Strafford Dist. 3 - To Municipal and County Government)

HB 806-FN, relative to eligibility for unemployment compensation benefits for persons seeking part-time work. (King of Grafton Dist. 12; Girouard of Grafton Dist. 13; Abrams of Hillsborough Dist. 6 - To Labor, Human Resources and Rehabilitation)

HB 807, requiring the comptroller to file an annual report relative to the balancing of the state books. (Locke of Belknap Dist. 6 - To Executive Departments and Administration)

HB 808, authorizing the bank commissioner to provide independent insuring funds with certain information relative to financial institutions. (Lamy of Hillsborough Dist. 37; Gelinas of Hillsborough Dist. 34; Christy of Grafton Dist. 11; Poulsen of Dist. 2; Hough of Dist. 5; Blaisdell of Dist. 10 - To Commerce, Housing and Consumer Affairs)

HB 809, relative to credit unions. (Lamy of Hillsborough Dist. 37; Gelinas of Hillsborough Dist. 34; Christy of Grafton Dist. 11; Poulsen of Dist. 2; Hough of Dist. 5; Blaisdell of Dist. 10 - To Commerce, Housing and Consumer Affairs)

HB 810, requiring labeling of products which contain urea-formaldehyde. (King of Grafton Dist. 6; Newman of Rockingham Dist. 24; Head of Hillsborough Dist. 9; Hutchings of Grafton Dist. 8; Demers of Strafford Dist. 9; Splaine of Dist. 24 - To Commerce, Housing and Consumer Affairs)

HB 811, relative to the protection of tenants in conversion of rental units. (Converse of Sullivan Dist. 6; Meader of Cheshire Dist. 14; Lynde of Hillsborough Dist. 20 - To Commerce, Housing of Consumer Affairs)

HB 812-FN, authorizing towns and cities to enact rent review legislation. (Converse of Sullivan Dist. 6; Demers of Strafford Dist. 9; Newman of Rockingham Dist. 34; Splaine of Dist. 24 - To Commerce, Housing and Consumer Affairs)

HB 813-FN, relative to litter on private property. (Zajdel of Hillsborough Dist. 33; Burkush of Hillsborough Dist. 35 - To Environment and Agriculture)

HB 814-FN, creating an exemption from the meals and rooms tax for nonprofit social clubs and fraternal organizations. (Zajdel of Hillsborough Dist. 33; Burkush of Hillsborough Dist. 35; Reidy of Hillsborough Dist. 36 - To Ways and Means)

HB 815, relative to the flexibility of rules governing small businesses. (Burns of Coos Dist. 5; Grip of Hillsborough Dist. 7 - To Commerce, Housing and Consumer Affairs)

HB 816, relative to the election of representatives to the general court from the city of Keene. (Barber of Cheshire Dist. 17; Meader of Cheshire Dist. 14; Sullivan of Cheshire Dist. 12; Michaelides of Cheshire Dist. 16 - To Statutory Revision)

HB 817-FN, establishing a study committee to make recommendations on the public procurement of goods and services. (Kinhan of Merrimack Dist. 13; Jacobson of Merrimack Dist. 2 - To Executive Departments and Administration)

HB 818, relative to group legal insurance. (Burns of Coos Dist. 5; Roberts of Merrimack Dist. 5 - To Commerce, Housing and Consumer Affairs)

HB 819-FN, making changes in the right-to-know law. (Kaklamanos of Hillsborough Dist. 26; Jacobson of Merrimack Dist. 2 - To Judiciary)

HB 820-FN, relative to the supervision of a person who has been discharged from a mental health facility after receiving treatment for mental illness. (Harnish of Grafton Dist. 7; Nighswander of Belknap Dist. 5 - To Health and Welfare)

HB 821-FN, relative to the administration of emergency medical treatment following involuntary emergency hospitalization. (Harnish of Grafton Dist. 7; Walter of Grafton Dist. 13; McLane of Dist. 15 - To Health and Welfare)

HB 822, revising the charter of the Concord union school district. (Gross of Merrimack Dist. 15; Stark of Merrimack Dist. 14 - To Education)

HB 823, prohibiting physicians from owning pharmacies. (Case of Rockingham Dist. 6 - To Executive Departments and Administration)

HB 824, relative to the erection of buildings on class V and class VI highways. (Bangs of Rockingham Dist. 7; Grodin of Cheshire Dist. 6 - To Municipal and County Government)

HB 825, relative to referring certain zoning and subdivision changes to regional planning commissions and abutting towns. (Wight of Hillsborough Dist. 9 - To Municipal and County Government)

HB 826, relative to the powers and duties of regional planning commissions. (Wight of Hillsborough Dist. 9 - To Municipal and County Government)

HB 827, providing military recruiters access to schools and to directory information. (Quinn of Hillsborough Dist. 30; Sullivan of Hillsborough Dist. 35; Matson of Cheshire Dist. 7 - To Education)

HB 828, establishing the public guardianship and protection program. (Dean of Merrimack Dist. 13; Nevins of Rockingham Dist. 3; Boyer of Dist. 13 - To Judiciary)

HB 829, relative to the energy evaluation committee. (LaMott of Grafton Dist. 5 - To Environment and Agriculture)

HB 830, relative to termination of parental rights. (Knight of Hillsborough Dist. 6; Duprey of Hillsborough Dist. 28; Al. C. of Hillsborough Dist. 9; Brack of Hillsborough Dist. 32 - To Health and Welfare)

HB 831, transferring the licensing of child care agencies from the division of welfare to the department of health and welfare. (Nevins of Rockingham Dist. 3; Head of Hillsborough Dist. 9; Wallner of Merrimack Dist. 15; Sullivan of Hillsborough Dist. 30; Butler of Rockingham Dist. 11 - To Health and Welfare)

HB 832-FN, establishing a community development finance authority. (Ward of Grafton Dist. 1; Chardon of Coos Dist. 6; King of Grafton Dist. 6; Lamprey of Belknap Dist. 1; Downing of Grafton Dist. 11; Kelly of Dist. 14 - To Commerce, Housing and Consumer Affairs)

HB 833, designating the department of administration and control as the agency responsible for overseeing a state equal employment opportunity plan. (McLane of

Rockingham Dist. 24; Demers of Strafford Dist. 9; Murphy of Carroll Dist. 2; Kelly of Dist. 14 - To Executive Departments and Administration)

HB 834, eliminating the requirement that the commissioner of revenue administration certify the issuance or authorization of municipal and county bonds and notes. (Gross of Merrimack Dist. 15; Underwood of Merrimack Dist. 15; Wallner of Merrimack Dist. 15; Dean of Merrimack Dist. 13; Holmes of Merrimack Dist. 13 - To Municipal and County Government)

HB 835, relative to the regulation of water utilities. (Sanders of Belknap Dist. 6 - To Commerce, Housing and Consumer Affairs)

HB 836, postponing the date required for organizing solid waste management districts from October 1, 1983, to October 1, 1985, and establishing criteria for exempting towns from participating in solid waste management districts. (Robinson of Hillsborough Dist. 14; Hendrick of Hillsborough Dist. 12 - To Environment and Agriculture)

HB 837-FN, providing for state aid to municipalities constructing storm drains under certain circumstances. (Spirou of Hillsborough Dist. 31; Soucy of Hillsborough Dist. 35; Champagne of Dist. 20; Stephen of Dist. 18 - To Resources, Recreation and Development)

HB 838-FN, correcting the over-apportionment made in the 1981 tax rate for the town of Bartlett. (Murphy of Carroll Dist. 2 - To Ways and Means)

CACR 17, relating to application of state lottery revenues. Providing that all state lottery revenues shall be distributed to the school districts of the state and used exclusively for educational purposes. (Hawkins of Belknap Dist. 5 - To Constitutional Revision)

CACR 19, relating to compensation of the general court. Providing that said compensation, other than reimbursement for mileage, be eliminated. (Lefebvre of Hillsborough Dist. 26 - To Constitutional Revision)

CACR 20, relating to the amount of controversy required for a jury trial. Providing that the amount be determined by law. (Palumbo of Rockingham Dist. 10; Blake of Rockingham Dist. 6; Peters of Hillsborough Dist. 11; Sytek of Rockingham Dist. 20; Podles of Dist. 16 - To Constitutional Revision)

CACR 21, relating to the imposition of limits on state spending and increases in state spending and the establishment of a reserve fund. Providing that increases in state revenue shall not exceed the state's rate of economic growth, state spending shall not exceed 95 percent of the aggregate revenues of the current fiscal year, and a special fund reserve shall be established. (Tamposi of Hillsborough Dist. 24; Ahrens of Hillsborough Dist. 13; Labombarde of Hillsborough Dist. 22; White of Dist. 11; Bartlett of Dist. 19; Bergeron of Dist. 6 - To Constitutional Revision)

HJR 4-FN, memorializing the Vietnam veterans. (Spirou of Hillsborough Dist. 31 - To Public Protection and Veterans' Affairs)

## RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn.  
Adopted.

## COMMITTEE ASSIGNMENT

Rep. J. Arthur Tufts on Labor, Human  
Resources and Rehabilitation



# HOUSE JOURNAL 16

*Tuesday, 5Apr83*

The House assembled at 1:00 p.m., and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

Dear Heavenly Father, we confess that our attention is often somewhere else. For some of us today it's at the "old ball park," for others it's on our business, for others, our mind is on family matters, and for some, our mind has raced ahead to decisions coming later today or even tomorrow.

Bring us together dear Lord, mind and body, so that our prayers and our pledges to start each session help us remember our beginnings, our dreams, our values both as persons and as a Nation and a State.

We pray for strength for this day's work and that it may be found acceptable in Your sight. Amen.

Rep. Paul Johnson led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Oleson, Cate, Waldron, Stimmell, Pevear, Hendrick, Drewniak, Walter Healy, Zimmerman and James J. White, the day, illness.

Reps. Nickerson, Roger Wallace, Horton, Raymond Wood, Gelinas and Lewis, the day, important business.

## INTRODUCTION OF GUESTS

Peter F. Wells, Jr. and Ted Ping, son and guest of Rep. Wells; Patricia Garland, guest of Rep. Gregorio; "The Stainless Steelers" basketball team and their representative Fred Colson, guests of Rep. Chambers; Traveling Basketball Team from Belgium, guests of the House.

## UNANIMOUS CONSENT

Rep. Chambers addressed the House by unanimous consent.

Rep. Rounds offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 731 and 839 through 841, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS First, second reading and referral

HB 731-FN, relative to the disposition of persons found not guilty by reason of insanity. (Newman of Rockingham Dist. 24; Dexter of Belknap Dist. 8; Palumbo of Rockingham Dist. 10; Splaine of Dist. 24 - To Judiciary)

HB 839-FN, to compensate deputy sheriffs in Hillsborough county on a salary and expense basis. (Craig of Hillsborough Dist. 3 - To Municipal and County Government)

HB 840-FN, relative to railroad right-of-way preservation. (Ingram of Sullivan Dist. 4; Whittemore of Belknap Dist. 12; Degan of Merrimack Dist. 16; Galloway of Cheshire Dist. 1; Bergeron of Dist. 6; Wiggins of Dist. 8 - To Public Works)

HB 841, requiring providers of medical assistance to furnish itemized statements to recipients of such assistance. (Daniell of Merrimack Dist. 12 - To Health and Welfare)

Rep. Rounds offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 12, 42, 44 and 48, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF SENATE BILLS First, second reading and referral

SB 12, increasing the minimum age for purchase, sale and consumption of alcoholic beverages to 21 years. (Regulated Revenues)

SB 42-FN, amending the meals tax. (Ways and Means)

SB 44, enlarging the list of authorized investment rating services. (Commerce, Housing and Consumer Affairs)

SB 48-FN, relating to the issuance of bonds and notes by municipalities and counties. (Municipal and County Government)

## SENATE MESSAGE REQUESTS CONCURRENCE WITH AMENDMENT

HB 212-FN, relative to signs for handicapped parking. (Amendment printed SJ 3/31)

Rep. Tavitian moved that the House concur.

Adopted.

## ENROLLED BILLS REPORT

HB 26, allowing the use of certified rather than registered mail for blood alcohol test results and chemical analyses of drugs.

HB 38, to increase the location at which military personnel may purchase hunting and fishing licenses.

HB 47, relative to the destruction, unlawful movement or defacement of boundary markers on real property.

HB 59, granting the Lake Sunapee Protective Association the right to maintain a third lighthouse on Lake Sunapee.

HB 83, crediting any damage monies obtained from damage to fish life, other aquatic life, wildlife or their habitat, to the fish and game fund.

HB 129, relative to sunset review of veterinary/medical/optometric education program.

HB 130, relative to sunset review of the department of agriculture - office of commissioner.

HB 132, relative to sunset review of the department of agriculture - bureau of weights and measures.

HB 133, relative to sunset review of the department of agriculture - bureau of markets.

HB 134, relative to sunset review of the milk sanitation board.

HB 149, relative to sunset review of the safety department - division of safety services.

HB 167, relative to vacancies in the offices of town clerk-tax collector and tax collector.

HB 175, legalizing the town meeting of the town of Amherst held on January 3, 1983 and providing for the raising of \$130,000 through taxes.

HB 184, legalizing the 1982 annual town meeting of the town of Alton.

HB 199, relative to the office of ombudsman.

Rep. Francis Donovan  
Sen. Laurier Lamontagne  
For the Committee.

#### VACATE

Rep. Head moved that the House vacate the reference of HB 525, relative to the liability for the placement of children, to the Committee on Health and Welfare.

Adopted.

The Speaker referred HB 525 to the Committee on Education.

#### THREE LEGISLATIVE DAY EXTENSION GRANTED

HB 266-FN, requiring sellers of liquor to file an annual report.

Rep. Rounds moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

SB 9, relative to the penalty for killing dogs, was removed at the request of Rep. Webster.

#### II.

HB 285-FN, relative to the inheritance tax, was removed at the request of Rep. Daniell.

Adopted.

#### COMMITTEE REPORTS (Consent Calendar)

HB 205, requiring a lending institution to notify the mortgagor when selling the mortgage. Inexpedient to Legislate.

After a complete study of all information gathered and all the testimony studied thoroughly, it was found that this bill would in no way help the consumer and could be damaging to him. Vote 17-0. Rep. George H. Baker, Sr. for Commerce, Housing and Consumer Affairs.

HB 378, relative to protection for owners of cars being repaired. Inexpedient to Legislate.

This bill puts an unfair burden on franchised dealers in relation to other repair shops. It would penalize dealers who could not secure parts in a timely fashion even though they might not have any control over their supplier. Vote 17-0. Rep. Lucille T. Wood for Commerce, Housing and Consumer Affairs.

HB 307-FN, relative to the cost of living increases in the New Hampshire retirement system. Ought to Pass with Amendment.

This bill continues the additional annuities a retiree is being paid to one who retired between June of 1957 through September of 1979. The amendment restores full reserve funding for all retirement provisions. Vote 20-0. Rep. Kathleen W. Ward for Executive Departments and Administration.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Increase in Retirement Allowance Rate for Group I and Group II Members. Amend RSA 100-A:42-b, II (supp) as inserted by 1977, 528:1 as amended by striking out said paragraph and inserting in place thereof the following:

Employees	Date of Retirement	Retirement System	Percent Increase Payable
(a) Teachers	July, 1957-June, 1961	RSA 192	46
(b) Teachers	July, 1961-Dec., 1967	RSA 192	36
(c) Teachers	Jan., 1968-Sept., 1975	RSA 192	27
(d) Teachers	Jan., 1968-Sept., 1975	RSA 100-A	27
(e) Teachers	Oct., 1975-June, 1977	RSA 100-A	15
(f) Teachers	July, 1977-Sept., 1979	RSA 100-A	10
(g) Firemen	Prior to July, 1961	RSA 102	46
(h) Firemen	July, 1961-Dec., 1967	RSA 102	36
(i) Firemen	Jan., 1968-Sept., 1975	RSA 102	27
(j) Firemen	Jan., 1968-Sept., 1975	RSA 100-A	27
(k) Firemen	Oct., 1975-June, 1977	RSA 100-A	15
(l) Firemen	Oct., 1975-June, 1977	RSA 102	15

(m) Firemen	July, 1977-Sept., 1979	RSA 100-A	10
(n) Policemen (Muni. & State)	Prior to July, 1961	RSA 103	46
(o) Policemen (Muni. & State)	July, 1961-Dec., 1967	RSA 103	36
(p) Policemen (Muni. & State)	Jan., 1968-Sept., 1975	RSA 103	27
(q) Policemen (Muni. & State)	Jan., 1968-Sept., 1975	RSA 100-A	27
(r) Policemen (Muni. & State)	Oct., 1975-June, 1977	RSA 100-A	15
(s) Policemen (Muni. & State)	Oct., 1975-June, 1977	RSA 103	15
(t) Policemen (Muni. & State)	July, 1977-Sept., 1979	RSA 100-A	10
(u) State & Muni. Employees	Prior to July, 1961	RSA 100	46
(v) State & Muni. Employees	July, 1961-Dec., 1967	RSA 100	36
(w) State & Muni. Employees	Jan., 1968-Sept., 1975	RSA 100	27
(x) State & Muni. Employees	Jan., 1968-Sept., 1975	RSA 100-A	27
(y) State & Muni. Employees	Oct., 1975-June, 1977	RSA 100-A	15
(z) State & Muni. Employees	July, 1977-Sept., 1979	RSA 100-A	10

2 Appropriation. The sum of \$964,635 is hereby appropriated to the New Hampshire retirement system for the purposes of this act for the fiscal year ending June 30, 1984, and the sum of \$964,635 is appropriated for said purposes for the fiscal year ending June 30, 1985. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect on July 1, 1983.

Referred to Appropriations.

SB 13, relative to increasing the fee for a pheasant stamp; changing the season for taking pheasants; and repealing the limitation on stocking pheasants. Ought to Pass with Amendment.

This bill increases the fee for a pheasant stamp. It changes the season for taking pheasants from October 1 to December 31, and repeals RSA 212:20a relative to the stocking of pheasants at certain land elevation. Vote 17-1.  
Rep. Laura Pantelakos for Fish and Game.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

increasing the fee for a pheasant stamp and setting the season for taking pheasant.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Season for Taking Pheasants. Amend RSA 209:2 as amended by striking out said section and inserting in place thereof the following:

209:2 Pheasants. Pheasants may be taken from October 1 to December 31 inclusive. A person shall not take more than 2 pheasants in one day, one of which may be female. A person shall not take more than 10 pheasants in any one calendar open season or have in his possession at one time more than 2 days' bag limit of pheasants.

3 Repeal. RSA 212:20-a, relative to stocking of pheasants at certain land elevations, is hereby repealed.

4 Effective Date. This act shall take effect upon its passage.

HB 278-FN, relative to the federal estate tax marital deduction. Inexpedient to Legislate.

The problem this bill was intended to solve is being solved in another non-legislative way. The Committee members agreed that no legislation is required at this time. Vote 13-0. Rep. Francis E. Robinson for Judiciary.

HB 411, relative to the public employee labor relations board. Ought to Pass.

This measure would establish a budget submission date inclusion for a city or school administrative unit which has a separate budget submission date applied to it by the city. Probationary employees will determine number of employees in unit and will not change the voting right for determination of a unit. Vote 16-1. Rep. Roland E. Belhumeur for Labor, Human Resources and Rehabilitation.

HB 441, relative to processing of certain complaints against public employers charged with breach of a collective bargaining agreement. Inexpedient to Legislate.

HB 441 is an unnecessary bill. The Public Employee Labor Relations Board consistently, under the current law, returns breach of contract cases back to the parties for arbitration. It would take jurisdiction from the Board and tie the hands of the Board for something it is already doing, and with no cases presented as evidence that they have not adhered to the statute. Vote 17-0. Rep. Avis B. Nichols for Labor, Human Resources and Rehabilitation.

HB 36-FN, changing the daily fee and mileage paid to court witnesses. Ought to Pass with Amendment.

The amendment eliminates the change in witness fees, but changes jurors' fees from \$30 a day to \$15 one-half day and \$30 for full day. The estimated savings for counties is circa \$300,000. Vote 16-1. Rep. Alf E. Jacobson for Municipal and County Government.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to jurors' fees.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Jurors' Fees. Amend RSA 500-A:15 (supp) as inserted by 1971, 456:10 as amended by striking out said section and inserting in place thereof the following: 500-A:15 Compensation of Jurors.

I. Grand and petit jurors' fees and mileage shall be paid by the county. The jurors' fees shall be \$15 for each half day's attendance before a superior court; for each mile's travel to and from the place where the juror serves, mileage shall be paid at the rate of \$.20 per mile, mileage to be allowed for each day's attendance when the juror is required to leave the town or city in which he resides.

II. For the purposes of this section "attendance for a half day" means attendance either at the forenoon session or at the afternoon session.

III. The clerk of the court attended shall determine whether a juror has attended for a half day. Said clerk may count travel time to reach the place where the juror serves in determining attendance of the juror, if the juror is required to travel more than 50 miles one way by the most direct route to reach the court.

HB 190-FN, to provide for payment of ambulance service in unincorporated areas. Ought to Pass.

The bill provides a vehicle for ambulance service in unincorporated places and provides a method of

compensation for such services. Vote 19-0. Rep. David M. Perry for Municipal and County Government.

HB 246-FN, relative to the acquisition and rehabilitation of civil patrol aircraft and making an appropriation therefor. Ought to Pass.

The Civil Air Patrol, a volunteer organization, provides valuable services to the State of New Hampshire, particularly in the area of search and rescue of missing or injured persons, spotting of forest fires, and search for downed aircraft. This appropriation will help to replace four obsolete and worn-out aircraft with an equal number of rehabilitated light planes, at a very reasonable cost. Vote 9-0. Rep. John W. Flanders for Public Protection and Veterans Affairs.

Referred to Appropriations.

HB 407-FN, to update certain sections of the motor vehicle road toll laws. Ought to Pass.

This bill, requested by the Department of Safety, clarifies legislation regarding vehicles powered by alternate energy and adjusts certain penalties involving violation of the road toll laws. It has no fiscal impact on state or local revenues. Vote 16-0. Rep. Roger E. Wallace for Transportation.

#### COMMITTEE REPORTS (Regular Calendar)

HB 500, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1984 and June 30, 1985. Majority: Ought to Pass with Amendment. (Amendment printed in House Record Supplement No. 47.) Minority: Inexpedient to Legislate.

MAJORITY: Rep. William F. Kidder for the Majority of Appropriations.

MINORITY: A minority of the House Appropriations Committee believes the State's proposed budget is deficient in three major areas. These are first, the revenue projections; second, the spending commitments; and third, the budget footnotes.

There is reason to believe that the Governor's revenue forecasts are overly optimistic. Examples include overestimates in the business profits tax, interest and dividends tax, motor vehicle fees and even the new proposed sailboat fee.

A one-year jump of over \$20 million on BTP receipts would be difficult to achieve in even the best of economic times. This revenue forecast is a departure from our traditionally conservative projections.

On the spending side, the proposed budget falls short in many areas, including support for the State's University System, aid to cities and towns, funding for a negotiated State employee pay raise, vocational education and general assistance payments under AFDC.



The problem with budget footnotes is that they are vehicles of substantial policy changes which, unlike other legislative initiatives, do not get debated on their own merits alone. There are some 20 footnotes that deal with serious policy questions. These should be debated in the proper forum, standing House committees, and not tacked on to the State's operating budget.

In conclusion, a minority feels that the accelerated budget process was irresponsible because it didn't allow for in-depth analysis and evaluation of the State's most important legislative document. Rep. Peter E. Ramsey for the Minority of Appropriations.



# AMENDMENT

AMENDMENTS TO PAGE 1 03/26/83  
 HB0500  
 AMEND SECTION 1 OF THE BILL BY MAKING THE  
 FOLLOWING SPECIFIED CHANGES, AND BY CHANGING  
 SUBTOTALS AND TOTALS AS HEREINAFTER SPECIFIED  
 TO REFLECT THE SPECIFIED CHANGES.

01 GENERAL GOVERNMENT  
 02 LEGISLATIVE BRANCH  
 01 GENERAL COURT  
 02 HOUSE

STRIKE OUT  
 97 DATA PROCESSING SERVICES 41,202  
 INSERT IN PLACE THEREOF  
 97 DATA PROCESSING SERVICES A 41,202  
 TOTAL 2190,958

01 GENERAL GOVERNMENT  
 02 LEGISLATIVE BRANCH  
 01 GENERAL COURT  
 03 GENERAL COURT JOINT EXPENSES  
 01 JOINT EXPENSES - OPERATIONS

STRIKE OUT  
 97 DATA PROCESSING SERVICES 35,000  
 INSERT IN PLACE THEREOF  
 97 DATA PROCESSING SERVICES A 35,000  
 TOTAL 358,965

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 GENERAL COURT JOINT EXPENSES  
 GENERAL FUNDS 531,204  
 OTHER FUNDS 27,500  
 TOTAL 558,704

TOTAL  
 ESTIMATED SOURCE OF FUNDS FOR  
 GENERAL COURT  
 GENERAL FUNDS 3139,812  
 OTHER FUNDS 27,500  
 TOTAL 3167,312

41,202  
 41,202  
 2190,958

35,000  
 35,000  
 358,965  
 558,704

531,204  
 27,500  
 558,704

3167,334  
 3139,834  
 27,500  
 3167,334

AMENDMENTS TO	PAGE	2	03/26/83		----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
(CONT.)						
(CONT.)						
(CONT.)						
01 GENERAL GOVERNMENT						
02 LEGISLATIVE BRANCH						
01 GENERAL COURT						
01 GENERAL GOVERNMENT						
02 LEGISLATIVE BRANCH						
03 LEGISLATIVE BUDGET ASSISTANT						
01 BUDGET AND FISCAL SUPPORT						
STRIKE OUT						
91 DATA PROCESSING SERVICES			2,500		2,500	
INSERT IN PLACE THEREOF						
91 DATA PROCESSING SERVICES		A	2,500		2,500	
TOTAL				627,587		627,640
01 GENERAL GOVERNMENT						
02 LEGISLATIVE BRANCH						
03 LEGISLATIVE BUDGET ASSISTANT						
02 POST AUDIT						
INSERT AFTER SOURCE OF FUNDS						
THESE LEGISLATIVE BRANCH FUNDS SHALL NOT LAPSE						
AT JUNE 30, 1984 OR JUNE 30, 1985.						
TOTAL				1530,621		1531,081
ESTIMATED SOURCE OF FUNDS FOR						
LEGISLATIVE BUDGET ASSISTANT				1426,071		1426,531
GENERAL FUNDS				104,550		104,550
OTHER FUNDS				1530,621		1531,081
TOTAL						
TOTAL				5316,620		5318,029
ESTIMATED SOURCE OF FUNDS FOR						
LEGISLATIVE BRANCH						
GENERAL FUNDS				5184,570		5185,979



01 GENERAL GOVERNMENT  
02 LEGISLATIVE BRANCH

(CONT.)  
(CONT.)

OTHER FUNDS

TOTAL

01 GENERAL GOVERNMENT  
03 EXECUTIVE OFFICE  
01 OFFICE OF THE GOVERNOR  
01 OFFICE OF THE GOVERNOR

132,050  
5318,629

132,050  
5318,629

STRIKE OUT

93 EMERGENCY FUND  
INSERT IN PLACE THEREOF

25,000

93 EMERGENCY FUND

25,000

STRIKE OUT

95 OPERATING BUDGET CONTINGENT FD

25,000

INSERT IN PLACE THEREOF

25,000

95 OPERATING BUDGET CONTINGENT FD \*\*

25,000

INSERT

\*  
EXPENDITURES FROM THE EMERGENCY FUND SHALL BE  
MADE AS PROVIDED IN RSA 4:18-

INSERT

\*\*  
EXPENDITURES FROM THE OPERATING BUDGET  
CONTINGENCY FUND SHALL BE LIMITED TO TRANSFERS  
BY THE GOVERNOR AND COUNCIL TO ANY STATE AGENCY  
APPROPRIATION EXCLUDING ONLY THE GOVERNOR AND  
COUNCIL. THE DIRECTOR OF ACCOUNTS SHALL KEEP A  
RECORD OF TRANSFERS APPROVED FOR ANY OTHER THAN  
GENERAL FUND AGENCIES AND SHALL REPORT SUCH  
SPECIAL FUND TRANSFERS TO THE LEGISLATURE  
FOR APPROPRIATE ADJUSTMENTS BETWEEN FUNDS.

TOTAL

01 GENERAL GOVERNMENT  
03 EXECUTIVE OFFICE  
01 OFFICE OF THE GOVERNOR  
03 FEDERAL FUNDS COORDINATION/OFFICE STATE PLANNING

710,440

708,461

STRIKE OUT

95 DATA PROCESSING SERVICES

3,902

3,902

AMENDMENTS TO	PAGE	4	03/26/83	----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
HB0500					
(CONT.)					
01 GENERAL GOVERNMENT					
03 EXECUTIVE OFFICE					
01 OFFICE OF THE GOVERNOR					
03 FEDERAL FUNDS COORDINATION/OFFICE STATE PLANNING (CONT.)					
(CONT.)					
INSERT IN PLACE THEREOF					
95 DATA PROCESSING SERVICES	A		5,000	5,000	
INSERT					
97 NORTH COUNTRY COUNCIL			15,000	15,000	
TOTAL			980,928		914,463
ESTIMATED SOURCE OF FUNDS FOR					
FEDERAL FUNDS COORDINATION/OFFICE STATE PLANNING					
STRIKE OUT					
GENERAL FUND			235,195		273,865
INSERT IN PLACE THEREOF					
GENERAL FUND			271,293		289,963
TOTAL			980,928		914,463
01 GENERAL GOVERNMENT					
03 EXECUTIVE OFFICE					
01 OFFICE OF THE GOVERNOR					
04					
STRIKE OUT					
90 PROGRAM MANAGEMENT			500,000	740,000	
ESTIMATED SOURCE OF FUNDS FOR					
STRIKE OUT					
GENERAL FUND			500,000		740,000
01 GENERAL GOVERNMENT					
03 EXECUTIVE OFFICE					
01 OFFICE OF THE GOVERNOR					
05 COMMUNITY DEVELOPMENT BLOCK GRANT					
STRIKE OUT					
95 DATA PROCESSING SERVICES			2,000	2,000	
INSERT IN PLACE THEREOF					
95 COP SERVICES	A		2,000	2,000	

AMENDMENTS TO	PAGE	5	03/26/83	----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
01 GENERAL GOVERNMENT					
03 EXECUTIVE OFFICE					
01 OFFICE OF THE GOVERNOR					
05 COMMUNITY DEVELOPMENT BLOCK GRANT					
(CONT.)					
(CONT.)					
(CONT.)					
TOTAL			6113,880	8539,148	6109,290
TOTAL					8460,114
ESTIMATED SOURCE OF FUNDS FOR					
OFFICE OF THE GOVERNOR					
FEDERAL FUNDS				7387,535	7302,400
GENERAL FUNDS				1151,613	1157,714
TOTAL				8539,148	8460,114
U1 GENERAL GOVERNMENT					
03 EXECUTIVE OFFICE					
02 EXECUTIVE COUNCIL					
STRIKE OUT					
20 CURRENT EXPENSES			5,500		5,806
INSERT IN PLACE THEREOF					
20 CURRENT EXPENSES			11,350		11,350
STRIKE OUT					
50 OTHER PERSONAL SERVICES			13,050		13,050
INSERT IN PLACE THEREOF					
50 OTHER PERSONAL SERVICES			15,050		15,050
STRIKE OUT					
60 BENEFITS			874		874
INSERT IN PLACE THEREOF					
60 BENEFITS			1,008		1,011
STRIKE OUT					
90 COUNCILORS CONTINGENCY FUND			10,500		10,500
INSERT IN PLACE THEREOF					
90 COUNCILORS' TRAVEL			11,550		11,550
INSERT					
* OTHER PROVISIONS OF THE LAW NOTWITHSTANDING,					
THE FOLLOWING PAYMENTS SHALL BE MADE IN LIEU OF					

AMENDMENTS TO	PAGE	6	03/26/83		FISCAL YEAR 1984		FISCAL YEAR 1985
HB0500							
<p>(CONT.)</p> <p>01 GENERAL GOVERNMENT</p> <p>03 EXECUTIVE OFFICE</p> <p>02 EXECUTIVE COUNCIL</p> <p>(CONT.)</p>							
<p>EXPENSES FOR MEMBERS OF THE EXECUTIVE COUNCIL:</p> <p>DISTRICT I 3,570</p> <p>DISTRICT II 840</p> <p>DISTRICT III 2,257</p> <p>DISTRICT IV 2,418</p> <p>DISTRICT V 2,418</p> <p>ONE TWELFTH OF THE AMOUNTS SPECIFIED HEREIN</p> <p>SHALL BE PAID TO THE COUNCILOR WHO HAS</p> <p>REPRESENTING THE DISTRICT ON THE LAST DAY OF</p> <p>EACH MONTH.</p>							
TOTAL					69,803		69,806
ESTIMATED SOURCE OF FUNDS FOR							
EXECUTIVE COUNCIL							
STRIKE OUT							
GENERAL FUND					60,769		61,075
INSERT IN PLACE THEREOF					69,803		69,806
GENERAL FUND					69,803		69,806
TOTAL							
01 GENERAL GOVERNMENT							
03 EXECUTIVE OFFICE							
05 GOVERNOR'S COMMISSION ON THE HANDICAPPED							
STRIKE OUT							
20 CURRENT EXPENSES					11,467		9,484
INSERT IN PLACE THEREOF					25,467		25,484
20 CURRENT EXPENSES							
TOTAL					102,306		103,233
ESTIMATED SOURCE OF FUNDS FOR							
GOVERNOR'S COMMISSION ON THE HANDICAPPED							
STRIKE OUT							
GENERAL FUND					88,306		87,233
INSERT IN PLACE THEREOF					102,306		103,233
GENERAL FUND							

AMENDMENTS TO PAGE 7 03/26/83		FISCAL YEAR 1984		FISCAL YEAR 1985	
(CONT.)					
(CONT.)					
(CONT.)					
01 GENERAL GOVERNMENT					
03 EXECUTIVE OFFICE					
05 GOVERNOR'S COMMISSION ON THE HANDICAPPED					
TOTAL		102,306		103,233	
TOTAL		32621,524		32613,351	
ESTIMATED SOURCE OF FUNDS FOR					
EXECUTIVE OFFICE					
FEDERAL FUNDS					
GENERAL FUNDS					
OTHER FUNDS					
TOTAL		31154,769		31139,564	
		1323,722		1330,753	
		143,033		143,034	
		32621,524		32613,351	
01 GENERAL GOVERNMENT					
04 ADMINISTRATION AND CONTROL					
01 BUDGET AND CONTROL					
04 DIV OF INFORMATION MGMT & PLANNING					
01 FINANCIAL SYSTEMS					
STRIKE OUT					
90 PAYROLL SYSTEM - OPS/MAINT		243,569		280,468	
STRIKE OUT					
92 INTEGRATED FINANCIAL SYSTEMS		1300,000		1300,000	
STRIKE OUT					
95 FINANCIAL SYSTEM OPS/MAINT		255,082		293,792	
INSERT IN PLACE THEREOF					
95 FINANCIAL SYSTEM OPS/MAINT		1190,717		1360,404	
STRIKE OUT					
97 BUDGET SYSTEM - OPS/MAINT		123,505		266,146	
TOTAL		1460,693		1602,103	
ESTIMATED SOURCE OF FUNDS FOR					
FINANCIAL SYSTEMS					
STRIKE OUT					
GENERAL FUND		2192,132		2382,105	
INSERT IN PLACE THEREOF					
GENERAL FUND		1460,693		1602,103	
TOTAL		1460,693		1602,103	
01 GENERAL GOVERNMENT					
04 ADMINISTRATION AND CONTROL					
01 BUDGET AND CONTROL					
04 DIV OF INFORMATION MGMT & PLANNING					
02					
STRIKE OUT					
90 DATA PROCESSING SERVICES		750,000		750,000	



AMENDMENTS TO	PAGE	8	33/26/83	----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
(CONT.) (CONT.) (CONT.) (CONT.) (CONT.)					
01 GENERAL GOVERNMENT					
04 ADMINISTRATION AND CONTROL					
01 BUDGET AND CONTROL					
04 DIV OF INFORMATION MANGMT & PLANNING					
02					
ESTIMATED SOURCE OF FUNDS FOR					
STRIKE OUT					
01			586,739		600,656
STRIKE OUT					
09 SUPPLEMENTAL AGENCY INCOME			163,261		169,344
TOTAL			1,460,693		1,602,103
ESTIMATED SOURCE OF FUNDS FOR					
DIV OF INFORMATION MANGMT & PLANNING					
GENERAL FUNDS			1,460,693		1,602,103
TOTAL			1,460,693		1,602,103
ESTIMATED SOURCE OF FUNDS FOR					
BUDGET AND CONTROL				2109,154	2261,600
GENERAL FUNDS					
TOTAL				2109,154	2261,600
01 GENERAL GOVERNMENT					
04 ADMINISTRATION AND CONTROL					
03 ADMINISTRATION & CONTROL PROGRAMS					
02 BUILDINGS AND GROUNDS					
01 ADM & CONTROL BLDG & GROUNDS					
STRIKE OUT					
95 HOUSEKEEPING SERVICE CONTRACT			130,000		130,000
INSERT IN PLACE THEREOF					
95 HOUSEKEEPING SERVICE CONTRACT *			130,000		130,000
INSERT					
* THE DEPT OF ADMN AND CONTROL, SUPT OF BUILDINGS AND GROUNDS IS HEREBY AUTHORIZED-AFTER RECEIVING APPROVAL OF THE LEGISLATIVE FISCAL COMMITTEE AND THE GOVERNOR AND COUNCIL					

AMENDMENTS TO		PAGE	9	03/26/83	----- FISCAL YEAR 1984 -----		----- FISCAL YEAR 1985 -----	
(CONT.) (CONT.) (CONT.) (CONT.) (CONT.)								
01 GENERAL GOVERNMENT 04 ADMINISTRATION AND CONTROL 03 ADMINISTRATION & CONTROL PROGRAMS 02 BUILDINGS AND GROUNDS 01 ADM & CONTROL BLDG & GROUNDS								
TO CONTRACT FOR HOUSEKEEPING SERVICES. THE CONTRACT SHALL GUARANTEE THE RIGHTS OF ALL CLASSIFIED EMPLOYEES TO THE EXTENT THAT SAID EMPLOYEES SHALL BE RETAINED AND SHALL NOT LOSE ANY OF THE RIGHTS AFFORDED CLASSIFIED EMPLOYEES UNDER THE RULES AND REGULATIONS OF THE DEPARTMENT OF PERSONNEL. FOR THE PURPOSES OF ENTERING INTO A HOUSEKEEPING SERVICES CONTRACT, THE PROVISIONS OF RSA 9:17-A, RSA 9:17-C, AND RSA 99:4 SHALL NOT APPLY.								
TOTAL				933,573	878,650			
TOTAL				3110,263	3280,825			
ESTIMATED SOURCE OF FUNDS FOR BUILDINGS AND GROUNDS								
GENERAL FUNDS				1177,117	1143,885			
OTHER FUNDS				1933,146	2136,940			
TOTAL				3110,263	3280,825			
TOTAL				3999,538	4177,145			
ESTIMATED SOURCE OF FUNDS FOR ADMINISTRATION & CONTROL PROGRAMS								
GENERAL FUNDS				2046,442	2038,255			
OTHER FUNDS				1933,096	2138,890			
TOTAL				3999,538	4177,145			
01 GENERAL GOVERNMENT								
04 ADMINISTRATION AND CONTROL								
05 INDIGENT DEFENDANTS								
STRIKE OUT								
91 PUBLIC DEFENDER PROGRAM								
INSERT IN PLACE THEREOF								
91 PUBLIC DEFENDER PROGRAM				1300,000	1300,000			
				1509,477	1300,000			

AMENDMENTS TO	PAGE	10	03/26/83		----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
H90500						
01 GENERAL GOVERNMENT				(CONT.)		
04 ADMINISTRATION AND CONTROL				(CONT.)		
05 INDIGENT DEFENDANTS				(CONT.)		
TOTAL					2409,477	2200,000
ESTIMATED SOURCE OF FUNDS FOR						
INDIGENT DEFENDANTS						
STRIKE OUT						
GENERAL FUND					2200,000	2200,000
INSERT IN PLACE THEREOF					2409,477	2200,000
GENERAL FUND					2409,477	2200,000
TOTAL					9205,289	9332,777
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR						
ADMINISTRATION AND CONTROL						
GENERAL FUNDS					6696,847	6620,239
OTHER FUNDS					2508,442	2712,538
TOTAL					9205,289	9332,777
01 GENERAL GOVERNMENT						
05 CENTRALIZED DATA PROCESSING						
01 CDP ADM & SUPPORT						
INSERT						
INSERT10 PERSONAL SERVICES - PERMANENT					267,868	268,843
INSERT11 SALARY OF DIRECTOR					41,333	41,333
INSERT12 SALARY OF DEPUTY DIRECTOR					34,753	34,953
INSERT13 SALARY OF MANGR OF OPERATIONS					32,279	32,279
INSERT15 SALARY OF MANGR OF SYSTEM DEV					32,079	32,079
INSERT16 SALARY OF MANGR OF PLNG & SUPP					26,158	27,638
INSERT20 CURRENT EXPENSES					20,850	21,850

AMENDMENTS TO	PAGE	11	03/26/83	----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
(CONT.)					
01 GENERAL GOVERNMENT					
05 CENTRALIZED DATA PROCESSING					
01 CDP ADM & SUPPORT					
(CONT.)					
INSERT					
30 EQUIPMENT			3,500		3,300
INSERT					
50 OTHER PERSONAL SERVICES			1,300		1,300
INSERT					
60 BENEFITS			86,983		87,516
INSERT					
70 IN-STATE TRAVEL			400		400
INSERT					
80 OUT-OF-STATE TRAVEL			7,000		7,000
INSERT					
90 COMMISSION: EXPENSES			1,300		1,300
INSERT					
92 TRANSFER TO BUILDINGS & GRND			35,013		35,013
INSERT					
93 TRAINING FEES			7,500		7,500
TOTAL			598,316		602,304
ESTIMATED SOURCE OF FUNDS FOR					
CDP ADM & SUPPORT					
INSERT					
GENERAL FUND					
TOTAL			598,316		602,304
01 GENERAL GOVERNMENT					
05 CENTRALIZED DATA PROCESSING					
02 DATA PROCESSING OPERATION					
(CONT.)					
INSERT					
10 PERSONAL SERVICES - PERMANENT			590,721		597,152
INSERT					
20 CURRENT EXPENSES			900,000		924,736
INSERT					
30 EQUIPMENT			12,010		6,200
INSERT					
50 OTHER PERSONAL SERVICES			36,687		37,895

AMENDMENTS TO  
H.R. 5000  
PAGE  
12 03/26/83

01 GENERAL GOVERNMENT	(CONT.)
05 CENTRALIZED DATA PROCESSING	(CONT.)
06 DECENTRALIZED DATA PROCESSING	(CONT.)

INSERT	120,602	122,037
60 BENEFITS		
INSERT	600	600
70 IN-STATE TRAVEL		
INSERT	8,900	9,600
80 OUT-OF-STATE TRAVEL		
INSERT	851,288	1,021,712
91 EQUIPMENT ACQUISITION		
INSERT	95,579	115,734
92 TRANSFER TO BUILDING & GROUND		
INSERT	6,000	7,345
93 TRAINING FEES		
INSERT	191,698	163,403
94 EQUIPMENT ACQUISITION - INTRST		
INSERT	630,698	687,261
95 CONTRACT DEVELOPMENT SUPPORT		
TOTAL	3,444,783	3,693,675
ESTIMATED SOURCE OF FUNDS FOR		
DATA PROCESSING OPERATION		
INSERT	3,444,783	3,693,675
GENERAL FUND		
INSERT	3,444,783	3,693,675

1154,251	1167,633
INSERT	
10 PERSONAL SERVICES - PERMANENT	
INSERT	
20 CURRENT EXPENSES	
INSERT	
30 EQUIPMENT	
INSERT	
50,194	50,194



AMENDMENTS TO	PAGE	13	03/26/83	----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
(CONT.)					
(CONT.)					
(CONT.)					
01 GENERAL GOVERNMENT					
05 CENTRALIZED DATA PROCESSING					
03 SYSTEMS DEVELOPMENT					
INSERT					
60 BENEFITS					
234,173					
INSERT					
70 IN-STATE TRAVEL					
4,000					
INSERT					
80 OUT-OF-STATE TRAVEL					
6,092					
INSERT					
92 TRANSFER TO BUILDING & GROUND					
70,664					
INSERT					
93 TRAINING FEES					
5,000					
TOTAL					
1564,474					
ESTIMATED SOURCE OF FUNDS FOR					
SYSTEMS DEVELOPMENT					
INSERT					
GENERAL FUND					
TOTAL					
1585,359					
01 GENERAL GOVERNMENT					
05 CENTRALIZED DATA PROCESSING					
04 CENTRALIZED DATA PROCESSING - AGENCY REVENUES					
ESTIMATED SOURCE OF FUNDS FOR					
CENTRALIZED DATA PROCESSING - AGENCY REVENUES					
INSERT					
09 SERVICES DATA PROCESSING					
5415,875					
5717,935					
INSERT					
GENERAL FUND					
5415,875-					
5717,935-					
5607,573					
5681,338					
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
CENTRALIZED DATA PROCESSING					
GENERAL FUNDS					
OTHER FUNDS					
TOTAL					
163,403					
5415,875					
5717,935					
5661,338					

AMENDMENTS TO		PAGE	14	03/26/83	----- FISCAL YEAR 1984 -----		----- FISCAL YEAR 1985 -----	
(CONT.)								
(CONT.)								
01 GENERAL GOVERNMENT								
05 CENTRALIZED DATA PROCESSING								
01 GENERAL GOVERNMENT								
06 PERSONNEL DEPARTMENT								
01 ADMINISTRATION & SUPPORT								
STRIKE OUT								
90 DATA PROCESSING SERVICES								
INSERT IN PLACE THEREOF								
90 DATA PROCESSING SERVICES A								
TOTAL								
16,200								
17,800								
439,920								
443,623								
INSERT AFTER SOURCE OF FUNDS								
REVENUE RESULTING FROM MUNICIPAL EXAMINA-								
TIONS AND SERVICES MAY BE EXPENDED BY THE								
DEPARTMENT OF PERSONNEL WITH PRIOR APPROVAL								
OF THE FISCAL COMMITTEE AND THE GOVERNOR								
AND COUNCIL AND THE SAME ARE HEREBY								
APPROPRIATED.								
TOTAL								
ESTIMATED SOURCE OF FUNDS FOR								
PERSONNEL DEPARTMENT								
GENERAL FUNDS								
TOTAL								
499,793								
503,866								
503,866								
01 GENERAL GOVERNMENT								
07 SECRETARY OF STATE								
01 ADMINISTRATION								
INSERT								
13 SALARY OF ASST SECTY								
37,799								
40,759								

AMENDMENTS TO	PAGE	15	03/26/83	----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
(CONT.)					
01 GENERAL GOVERNMENT					
07 SECRETARY OF STATE					
01 ADMINISTRATION					
(CONT.)					
STRIKE OUT					
60 BENEFITS			46,123		46,894
INSERT IN PLACE THEREOF					
60 BENEFITS			53,683		55,046
STRIKE OUT					
90 COMPUTER CONV OF CORP RECORDS			42,475		42,600
INSERT					
91 CDP SERVICES			22,750		24,500
TOTAL				400,761	415,597
ESTIMATED SOURCE OF FUNDS FOR					
ADMINISTRATION					
STRIKE OUT					
GENERAL FUND			372,127		381,586
INSERT IN PLACE THEREOF					
GENERAL FUND			397,761		412,397
TOTAL			400,761		415,597
01 GENERAL GOVERNMENT					
07 SECRETARY OF STATE					
05 RECORDS MANAGEMENT AND ARCHIVES					
STRIKE OUT					
95 DATA PROCESSING SERVICES			9,800		10,584
INSERT IN PLACE THEREOF					
95 DATA PROCESSING SERVICES			9,800		10,584
TOTAL				151,716	135,730
TOTAL				672,577	727,227
ESTIMATED SOURCE OF FUNDS FOR					
SECRETARY OF STATE					
GENERAL FUNDS			669,577		724,227
OTHER FUNDS			3,000		3,000
TOTAL			672,577		727,227

AMENDMENTS TO	PAGE	16	03/26/83	----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
(CONT.)					
(CONT.)					
01 GENERAL GOVERNMENT					
07 SECRETARY OF STATE					
08 STATE LIBRARY					
01 CENTRAL LIBRARY SERVICES					
STRIKE OUT					
10 PERSONAL SERVICES - PERMANENT					
INSERT IN PLACE THEREOF					
10 PERSONAL SERVICES - PERMANENT					
STRIKE OUT					
60 BENEFITS					
INSERT IN PLACE THEREOF					
60 BENEFITS					
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
CENTRAL LIBRARY SERVICES					
STRIKE OUT					
GENERAL FUND					
INSERT IN PLACE THEREOF					
GENERAL FUND					
TOTAL					
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
STATE LIBRARY					
FEDERAL FUNDS					
GENERAL FUNDS					
TOTAL					
01 GENERAL GOVERNMENT					
09 REVENUE ADMINISTRATION					
01 COMMUNITY SERVICES					
01 ADMINISTRATION					
STRIKE OUT					
91 DATA INQUIRY SYSTEM					
				47,200	40,000
				126,060	130,281
				151,121	155,717
				37,553	38,767
				42,565	43,854
				341,731	351,617
				311,658	321,094
				341,731	351,617
				341,731	351,617
				1408,028	1438,473
				381,000	381,000
				1027,028	1037,473
				1408,028	1438,473

AMENDMENTS TO	PAGE	17	03/26/83			----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
490500							
(CONT.)							
01 GENERAL GOVERNMENT							
09 REVENUE ADMINISTRATION							
01 COMMUNITY SERVICES							
01 ADMINISTRATION							
(CONT.)							
(CONT.)							
INSERT IN PLACE THEREOF							
91 DATA INQUIRY SYSTEM							
A							
TOTAL							
TOTAL							
ESTIMATED SOURCE OF FUNDS FOR							
COMMUNITY SERVICES							
GENERAL FUNDS							
OTHER FUNDS							
TOTAL							
TOTAL							
ESTIMATED SOURCE OF FUNDS FOR							
COMMUNITY SERVICES							
GENERAL FUNDS							
OTHER FUNDS							
TOTAL							
TOTAL							
ESTIMATED SOURCE OF FUNDS FOR							
COMMUNITY SERVICES							
GENERAL FUNDS							
OTHER FUNDS							
TOTAL							
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ESTIMATED SOURCE OF FUNDS FOR							
COMMUNITY SERVICES							
GENERAL FUNDS							
OTHER FUNDS							
TOTAL							
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ESTIMATED SOURCE OF FUNDS FOR							
COMMUNITY SERVICES							
GENERAL FUNDS							
OTHER FUNDS							
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ESTIMATED SOURCE OF FUNDS FOR							
COMMUNITY SERVICES							
GENERAL FUNDS							
OTHER FUNDS							
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ESTIMATED SOURCE OF FUNDS FOR							
COMMUNITY SERVICES							
GENERAL FUNDS							
OTHER FUNDS							
TOTAL							
TOTAL							
ESTIMATED SOURCE OF FUNDS FOR							
COMMUNITY SERVICES							
GENERAL FUNDS							
OTHER FUNDS							
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AMENDMENTS TO	PAGE	18	03/26/83	----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
HB5000					
01 GENERAL GOVERNMENT					
09 REVENUE ADMINISTRATION					
02 REVENUE COLLECTIONS					
04 REAL ESTATE TRANSFER TAX					
(CONT.)					
(CONT.)					
(CONT.)					
INSERT IN PLACE THEREOF			225,000		
90 R E TAX TSP PAY TO COUNTIES				225,000	
INSERT					
* OTHER PROVISIONS OF LAW NOTWITHSTANDING ALL					
REVENUE RECEIVED UNDER THE PROVISIONS OF RSA					
78-B-8 SHALL BE DEPOSITED WITH THE TREASURER					
AS UNRESTRICTED REVENUE, SUCH FUNDS MAY BE					
NECESSARY TO FULLY COMPLY WITH RSA 78-B-8 IN					
EXCESS OF \$132,000 PER YEAR MAY BE EXPENDED					
WITH THE APPROVAL OF THE FISCAL COMMITTEE					
AND THE GOVERNOR AND COUNCIL ON THE WARRANT					
OF THE GOVERNOR OUT OF ANY MONEY IN THE					
TREASURY NOT OTHERWISE APPROPRIATED.					
TOTAL			225,000	225,000	
INSERT AFTER SOURCE OF FUNDS					
COST RECORDS SHALL BE MAINTAINED OF ALL ACTUAL					
COSTS APPLICABLE TO SERVICES PERFORMED FOR					
LOCAL COMMUNITIES BY THE DEPARTMENT OF REVENUE					
ADMINISTRATION RELATIVE TO AUDITS AND APPRAIS-					
ALS. SAID ACTUAL COSTS SHALL BE BILLED TO					
LOCAL COMMUNITIES ON A MONTHLY BASIS PRIOR TO					
THE TENTH DAY OF THE SUCCEEDING MONTH.					
TOTAL			2301,817		2306,624
ESTIMATED SOURCE OF FUNDS FOR					
REVENUE COLLECTIONS					
GENERAL FUNDS			1954,605		1946,410
OTHER FUNDS			347,212		360,214
TOTAL			2301,817		2306,624
TOTAL			3812,142		3850,947

AMENDMENTS TO	PAGE	19	03/26/83		----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
(CONT.)						
(CONT.)						
ESTIMATED SOURCE OF FUNDS FOR						
REVENUE ADMINISTRATION						
GENERAL FUNDS						
OTHER FUNDS						
TOTAL						
01 GENERAL GOVERNMENT						
10 STATE TREASURY						
01 ADMINISTRATION						
STRIKE OUT						
95 DATAPROCESSING SERVICES						
INSERT IN PLACE THEREOF						
95 DATAPROCESSING SERVICES						
A						
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR						
ADMINISTRATION						
STRIKE OUT						
GENERAL FUND						
INSERT IN PLACE THEREOF						
GENERAL FUND						
TOTAL						
01 GENERAL GOVERNMENT						
10 STATE TREASURY						
03 SPECIAL GENERAL FUND DISTRI0						
STRIKE OUT						
01 DEBT SERVICE						
INSERT IN PLACE THEREOF						
01 DEBT SERVICE						
TOTAL						

3372,601  
439,941  
3812,142

3395,654  
455,293  
3850,947

56,653  
60,000  
65,000  
70,000

616,226  
601,424

612,879  
616,226  
601,424  
601,424

25765,200  
27165,000  
23920,000  
25040,000

78669,966  
76544,966

AMENDMENTS TO	PAGE	20	03/26/83	----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
H9D500					
01 GENERAL GOVERNMENT					
10 STATE TREASURY					
03 SPECIAL GENERAL FUND DISTRIB					
(CONT.)					
(CONT.)					
(CONT.)					
ESTIMATED SOURCE OF FUNDS FOR					
SPECIAL GENERAL FUND DISTRIB					
STRIKE OUT					
GENERAL FUND					
INSERT IN PLACE THEREOF					
GENERAL FUND					
TOTAL					
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
STATE TREASURY					
GENERAL FUNDS					
OTHER FUNDS					
TOTAL					
01 GENERAL GOVERNMENT					
12 NH RETIREMENT SYSTEM					
01 ADMINISTRATION					
STRIKE OUT					
95 DATA PROCESSING SERVICES					
INSERT IN PLACE THEREOF					
95 DATA PROCESSING SERVICES					
A					
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
ADMINISTRATION					
STRIKE OUT					
09 AGENCY INCOME					
INSERT IN PLACE THEREOF					
09 AGENCY INCOME					
TOTAL					
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
NH RETIREMENT SYSTEM					

AMENDMENTS TO		PAGE	21	03/26/83	----- FISCAL YEAR 1984 -----		----- FISCAL YEAR 1985 -----	
(CONT.)								
(CONT.)								
01 GENERAL GOVERNMENT								
12 NH RETIREMENT SYSTEM								
GENERAL FUNDS								
OTHER FUNDS								
TOTAL								
TOTAL								
ESTIMATED SOURCE OF FUNDS FOR								
GENERAL GOVERNMENT								
FEDERAL FUNDS								
GENERAL FUNDS								
OTHER FUNDS								
TOTAL								
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION								
03 AGRICULTURE								
06 AGRICULTURAL RESOURCES								
02 DISEASE SUPP & DIAGNOSIS								
INSERT AFTER SOURCE OF FUNDS								
FEES DEPOSITED WITH GENERAL FUND.								
NOTWITHSTANDING ANY OTHER PROVISION OF LAW,								
FOR THE BIENNIIUM ENDING JUNE 30, 1985,								
ALL REVENUE RECEIVED FROM WEIGHTS AND MEASURES								
INSPECTION FEES AND FROM PULLCRUMPTPHOID AND								
P.P.L.O. TESTING SHALL BE DEPOSITED WITH THE								
STATE TREASURER AS UNRESTRICTED GENERAL								
FUND REVENUE.								
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION								
04 ATTORNEY GENERAL								
03 DIV CRIMINAL JUSTICE								
INSERT								
91 COP SERVICES								
A								
5,000								
6,000								

AMENDMENTS TO	PAGE	22	03/26/83	----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
HB0500					
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)					
04 ATTORNEY GENERAL (CONT.)					
03 DIV CRIMINAL JUSTICE (CONT.)					
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
STRIKE OUT CRIMINAL JUSTICE					
GENERAL FUND					
INSERT IN PLACE THEREOF					
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ESTIMATED SOURCE OF FUNDS FOR					
ATTORNEY GENERAL					
FEDERAL FUNDS					
GENERAL FUNDS					
OTHER FUNDS					
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ESTIMATED SOURCE OF FUNDS FOR					
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION					
05 BANK COMMISSION					
01 GENERAL SERVICES AND ADMIN.					
TOTAL					
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ESTIMATED SOURCE OF FUNDS FOR					
STRIKE OUT CRIMINAL JUSTICE					
GENERAL FUND					
INSERT IN PLACE THEREOF					
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AMENDMENTS TO	PAGE	23	03/26/83	----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
HB0500					
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)					
05 BANK COMMISSION (CONT.)					
02 SMALL LOAN & VEHICLE FINANCE (CONT.)					
STRIKE OUT					
09 SMALL LOAN & MOTOR VEH REV				36,812	37,170
INSERT IN PLACE THEREOF					
09 SMALL LOAN & MOTOR VEH REV				36,812	37,170
INSERT					
OTHER PROVISIONS OF LAW NOTWITHSTANDING, FOR THE BIENNium ENDING JUNE 30, 1985, REVENUE RECEIVED FROM SMALL LOAN AND MOTOR VEHICLE FINANCE DIVISION SHALL BE DEPOSITED WITH THE STATE TREASURER AS RESTRICTED REVENUE AND ANY EXCESS OVER THE REQUIREMENT TO COVER EXPENDITURES SHALL LAPSE TO THE UNAPPROPRIATED SURPLUS OF THE GENERAL FUND, NOTWITHSTANDING ANY LAW TO THE CONTRARY, EXPENDITURES FROM THIS FUND SHALL NOT BE MADE EXCEPT BY APPROPRIATION BY THE GENERAL COURT.					
TOTAL				850,025	889,796
ESTIMATED SOURCE OF FUNDS FOR					
BANK COMMISSION					
OTHER FUNDS					
TOTAL				850,025	889,796
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION					
06 REGULATORY BOARDS AND COMMISSIONS					
01 ACCOUNTANCY BOARD OF					
STRIKE OUT					
90 UNIFORM CPA EXAM				13,000	14,000
INSERT IN PLACE THEREOF					
90 UNIFORM CPA EXAM				13,000	14,000
INSERT					

AMENDMENTS TO		PAGE	24	03/26/83	----- FISCAL YEAR 1984 -----		----- FISCAL YEAR 1985 -----	
HB0500								
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.) 06 REGULATORY BOARDS AND COMMISSIONS (CONT.) 01 ACCOUNTANCY BOARD OF (CONT.)								
THE FUNDS IN THIS CLASS ARE FOR THE PURCHASE OF UNIFORM CPA EXAMINATIONS, PAYMENT OF PROCTORS AND RENTAL OF EXAMINATION SPACE AND MAY NOT BE TRANSFERRED OR EXPENDED FOR ANY OTHER PURPOSE. THE AMOUNT MAY BE INCREASED WITH THE APPROVAL OF GOVERNOR AND COUNCIL PROVIDED THAT THE AMOUNT EXPENDED MAY NOT EXCEED THE TOTAL AMOUNTS CHARGED APPLICANTS FOR SUCH EXAMINATIONS.								
TOTAL					47,321	48,765		
TOTAL					970,305	976,056		
ESTIMATED SOURCE OF FUNDS FOR								
REGULATORY BOARDS AND COMMISSIONS								
FEDERAL FUNDS					47,513	48,938		
GENERAL FUNDS					879,001	883,249		
OTHER FUNDS					43,791	43,869		
TOTAL					970,305	976,056		
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION 08 PARI-MUTUEL COMMISSION 01 PARI-MUTUEL COMMISSION								
STRIKE OUT							568,907	
50 OTHER PERSONAL SERVICES					561,603		568,907	
INSERT IN PLACE THEREOF					561,603		568,907	
50 OTHER PERSONAL SERVICES							26,235	
STRIKE OUT					26,235		26,235	
92 VETERINARY SERVICES							26,235	
INSERT IN PLACE THEREOF					26,235		26,235	
92 VETERINARY SERVICES							26,235	
INSERT								

AMENDMENTS TO PAGE 25 03/26/83 ----- FISCAL YEAR 1984 ----- FISCAL YEAR 1985 -----

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
 08 PARI-MUTUEL COMMISSION (CONT.)  
 01 PARI-MUTUEL COMMISSION (CONT.)

SUCH PORTION OF THE AMOUNT THAT CONSTITUTES THE COMPENSATION OF THE OFFICIAL STATE STEWARD OR ASSOCIATE JUDGES OF THE PARI-MUTUEL COMMISSION, SHALL BE REIMBURSED TO THE STATE BY THE PERSON, ASSOCIATION, OR CORPORATION CONDUCTING THE RACE OR MEET AND SUCH REIMBURSEMENT SHALL INCLUDE THE EMPLOYER'S SHARE OF GASI TAXES. SUCH FUNDS SHALL BE DEPOSITED AS UNRESTRICTED REVENUE. THE COMMISSION MAY ESTABLISH THE SALARIES OF THE STATE STEWARD AND ASSOCIATE JUDGES, AND MAY ADDITIONAL AMOUNTS PAID FOR THIS PURPOSE OVER THE SUMS APPLIED FOR THIS PURPOSE TO OTHER PERSONNEL SERVICES SHALL BE REIMBURSED TO THE STATE BY THE RACE, SUCH REIMBURSEMENT SHALL INCLUDE GASI TAXES. THE FUNDS REIMBURSED SHALL ONLY BE CREDITED TO THE APPROPRIATION FOR (OTHER PERSONAL SERVICES) AFTER THE PRIOR APPROVAL OF THE LEGISLATIVE FISCAL COMMITTEE.

INSERT

\*\*  
 VETERINARIANS-REVENUES DUE AND BILLED UNDER THE PROVISIONS OF RSA 284:20-C AND 20-D IN EXCESS OF THE AMOUNT ESTIMATED MAY BE EXPENDED FOR SAID PURPOSES WITH THE PRIOR APPROVAL OF THE LEGISLATIVE FISCAL COMMITTEE AND THE SAME ARE HEREBY APPROPRIATED.

TOTAL	823,416	839,132
TOTAL	1086,933	1107,767
ESTIMATED SOURCE OF FUNDS FOR		
PARI-MUTUEL COMMISSION		
GENERAL FUNDS	1060,698	1081,532
OTHER FUNDS	26,235	26,235

----- FISCAL YEAR 1984 ----- FISCAL YEAR 1985 -----

AMENDMENTS TO PAGE 26 03/26/83  
HB0500

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)  
08 PARI-MUTUEL COMMISSION

1107,767

1086,933

TOTAL

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
10 FIRE STANDARDS & TRAINING COMMISSION  
01 ADMINISTRATION

INSERT AFTER SOURCE OF FUNDS  
NOTWITHSTANDING ANY OTHER PROVISION OF LAW  
THE SUMS INCLUDED IN THE APPROPRIATION IN  
PAID 02-10-01 FIRE STANDARDS AND TRAINING  
COMMISSION SHALL NOT LAPSE UNTIL JUNE 30, 1985.

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
11 INSURANCE DEPARTMENT  
01 ADMINISTRATION

STRIKE OUT			
95 DATA PROCESSING SERVICES	9,000		10,000
INSERT IN PLACE THEREOF			
95 DATA PROCESSING SERVICES A	9,000		10,000
TOTAL		659,820	664,814
TOTAL		1310,676	1349,944
ESTIMATED SOURCE OF FUNDS FOR			
INSURANCE DEPARTMENT		1310,676	1349,944
OTHER FUNDS		1310,676	1349,944
TOTAL			

02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION  
12 DEPARTMENT OF LABOR  
03 WORKMENS COMPENSATION

INSERT			
91 COMPUTER SERVICES A	95,000		95,000

AMENDMENTS TO	PAGE	27	03/26/83	----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
HB0500					
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)					
12 DEPARTMENT OF LABOR					
03 WORKMENS COMPENSATION					
(CONT.)					
STRIKE OUT					
93 COMPUTER SERVICES					
TOTAL			74,470	411,115	76,710
ESTIMATED SOURCE OF FUNDS FOR					
WORKMENS COMPENSATION					
STRIKE OUT					
09 AGENCY INCOME				390,591	369,023
INSERT IN PLACE THEREOF				411,115	407,313
09 AGENCY INCOME				411,115	407,313
TOTAL					
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION					
12 DEPARTMENT OF LABOR					
04 WORKMENS COMP COMMISSION					
INSERT AFTER SOURCE OF FUNDS					
LABOR DEPARTMENT, LIMITATION SUSPENDED. OTHER					
PROVISIONS OF LAW NOTWITHSTANDING, THE					
PROVISIONS OF RSA 281:51-A,111, ADMINISTRATION					
FUND LIMITING TOTAL ASSESSMENTS IN ANY FISCAL					
YEAR TO \$250,000 IS HEREBY SUSPENDED FOR					
FISCAL YEAR 1984 AND FISCAL YEAR 1985.					
TOTAL				768,253	792,304
ESTIMATED SOURCE OF FUNDS FOR					
DEPARTMENT OF LABOR					
GENERAL FUNDS				319,887	327,740
OTHER FUNDS				468,366	466,564
TOTAL				788,253	792,304
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION					
13 LIQUOR COMMISSION					
02 DATA PROCESSING					
STRIKE OUT					
93 LEASE FOR MAIN FRAME			345,000		352,000



AMENDMENTS TO	PAGE	28	03/26/83	----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
H80300					
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)					
13 LIQUOR COMMISSION (CONT.)					
02 DATA PROCESSING					
INSERT IN PLACE THEREOF					
93 MAIN FRAME MAINTENANCE					
INSERT		163,464		163,464	
95 TRANSFER TO CDP	A	5,000		5,000	
STRIKE OUT					
99 C D P		5,000		5,000	512,490
TOTAL			544,526		
ESTIMATED SOURCE OF FUNDS FOR					
DATA PROCESSING					
STRIKE OUT					
GENERAL FUND			726,062		696,026
INSERT IN PLACE THEREOF					
GENERAL FUND			544,526		512,490
TOTAL			544,526		512,490
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION					
13 LIQUOR COMMISSION					
04 MERCHANDISING					
02 STORES					
STRIKE OUT					
96 DEST SERVICE					
INSERT		5400,000		5120,000	
98 RELOCATION FUND	*	100,000			
INSERT	*				
THESE FUNDS SHALL NOT LAPSE UNTIL					
JUNE 30, 1985.					
TOTAL			9654,740		9222,437
ESTIMATED SOURCE OF FUNDS FOR					
STORES					
STRIKE OUT					
GENERAL FUND			14954,740		14342,437

AMENDMENTS TO	PAGE	29	03/26/83	----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
MBDS00					
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)					
13 LIQUOR COMMISSION (CONT.)					
04 MERCHANDISING (CONT.)					
02 STORES					
INSERT IN PLACE THEREOF					
GENERAL FUND					
TOTAL					
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
MERCHANDISING					
GENERAL FUNDS					
TOTAL					
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
LIQUOR COMMISSION					
GENERAL FUNDS					
OTHER FUNDS					
TOTAL					
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION					
14 BOARD OF PROBATION					
01 PROBATION					
STRIKE OUT					
90 DATA PROCESSING SERVICES					
INSERT IN PLACE THEREOF					
90 DATA PROCESSING SERVICES A					
TOTAL					
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
BOARD OF PROBATION					
GENERAL FUNDS					
TOTAL					
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION					
16 DEPARTMENT OF SAFETY					
01 ADMINISTRATION AND SUPPORT					
01 OFFICE OF COMM					
02 DATA PROCESSING UNIT					
INSERT					
91 ACCIDENT & VIOLATION PROGRAM A					
178,550					
196,500					
9222,437					
9222,437					
9502,279					
9502,279					
9502,279					
12114,411					
12114,411					
11867,996					
246,415					
12114,411					
40,621					
40,621					
1212,351					
1212,351					
1212,351					
1212,351					
1200,045					
1200,045					
1200,045					
1200,045					

AMENDMENTS TO HB0503	PAGE	30	03/26/83	----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
<b>02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)</b>					
<b>16 DEPARTMENT OF SAFETY (CONT.)</b>					
<b>01 ADMINISTRATION AND SUPPORT (CONT.)</b>					
<b>02 OFFICE OF COMM (CONT.)</b>					
<b>02 DATA PROCESSING UNIT (CONT.)</b>					
INSERT					
92 M.V. REGISTRATIONS	A	334,914		353,029	
94 COP PROJECT TEAM	A	419,136		441,976	
STRIKE OUT					
96 DATA BASE CONVERSION		619,000		1086,000	
STRIKE OUT					
97 C D P OPERATIONS		639,655		654,802	
TOTAL		2075,331		2170,322	
ESTIMATED SOURCE OF FUNDS FOR					
DATA PROCESSING UNIT					
STRIKE OUT					
02 PUBLIC WORKS & HIGHWAY		2401,386		2919,619	
INSERT IN PLACE THEREOF		2075,331		2170,322	
02 PUBLIC WORKS & HIGHWAY		2075,331		2170,322	
TOTAL		2872,497		2931,138	
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
OFFICE OF COMM					
FEDERAL FUNDS		138,720		104,586	
OTHER FUNDS		273,757		2826,552	
TOTAL		2872,497		2931,138	
TOTAL		3660,135		3729,695	
ESTIMATED SOURCE OF FUNDS FOR					
ADMINISTRATION AND SUPPORT					
FEDERAL FUNDS		138,720		104,586	
OTHER FUNDS		3521,415		3625,109	
TOTAL		3660,135		3729,695	
<b>02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION</b>					
<b>16 DEPARTMENT OF SAFETY</b>					
<b>02 DIVISION OF MOTOR VEHICLE</b>					
<b>02 ROAD TOLL SECTION</b>					
STRIKE OUT					
92 COMPUTER CHARGES		50,000		50,000	

AMENDMENTS TO	PAGE	31	03/26/83	----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)					
16 DEPARTMENT OF SAFETY (CONT.)					
02 DIVISION OF MOTOR VEHICLE (CONT.)					
02 ROAD TOLL SECTION					
INSERT IN PLACE THEREOF					
92 COMPUTER CHARGES				50,000	
TOTAL				607,402	620,197
TOTAL				5142,683	5243,200
ESTIMATED SOURCE OF FUNDS FOR					
DIVISION OF MOTOR VEHICLE					
OTHER FUNDS					
TOTAL				5142,683	5243,200
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION					
16 DEPARTMENT OF SAFETY					
03 DIVISION OF SAFETY SERVICES					
03 AERIAL LIFT SAFETY					
INSERT AFTER SOURCE OF FUNDS					
FEE INCREASED FOR THE BIENNIMUM ENDING					
JUNE 30, 1985 THE FEES PROVIDED FOR IN					
RSA 225-A:16 SHALL BE INCREASED BY 50 PERCENT.					
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION					
16 DEPARTMENT OF SAFETY					
04 DIVISION OF STATE POLICE					
01 DIV OF ST POLICE - COMM SECT					
INSERT AFTER SOURCE OF FUNDS					
HIGHWAY FUND REIMBURSED. NOTWITHSTANDING ANY					
OTHER PROVISION OF LAW, ACTUAL COSTS SHALL BE					
CHARGED AND CREDITED TO THE HIGHWAY FUND FOR					
SERVICES PERFORMED FOR ALL STATE DEPARTMENTS,					

AMENDMENTS TO		PAGE		32 03/26/83		----- FISCAL YEAR 1984 -----		----- FISCAL YEAR 1985 -----	
HB0500									
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)									
10 DEPARTMENT OF SAFETY (CONT.)									
04 DIVISION OF STATE POLICE (CONT.)									
01 DIV OF ST POLICE - COMM SECT (CONT.)									
AGENCIES, COUNTIES, CITIES AND TOWNS, EXCLUDING ONLY EQUIPMENT FROM SUCH STATE DEPARTMENTS, AGENCIES, COUNTIES, CITIES AND TOWNS SUPPORTED BY THE HIGHWAY FUND. SUCH CHARGES SHALL BE SUFFICIENTLY HIGH TO DEFRAY ALL COSTS INVOLVED INCLUDING LABOR OVERHEAD AND PARTS AT REPLACEMENT COST SO THAT THERE IS NO EXPENSE TO THE HIGHWAY FUND.									
TOTAL						19000,496		19357,686	
ESTIMATED SOURCE OF FUNDS FOR									
DEPARTMENT OF SAFETY									
FEDERAL FUNDS						136,720		104,586	
GENERAL FUNDS						1692,334		1730,020	
OTHER FUNDS						17169,442		1753,080	
TOTAL						19000,496		19357,686	
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION									
17 STATE PRISON									
01 ADMINISTRATION									
01 ADMINISTRATION									
INSERT									
96 TRANSFER TO CDP				A		10,200		10,920	
TOTAL						342,946		342,204	
ESTIMATED SOURCE OF FUNDS FOR									
ADMINISTRATION									
STRIKE OUT									
GENERAL FUND						332,746		331,284	
INSERT IN PLACE THEREOF									
GENERAL FUND						342,946		342,204	
TOTAL						342,946		342,204	
TOTAL						1083,670		1094,926	
ESTIMATED SOURCE OF FUNDS FOR									
ADMINISTRATION									



AMENDMENTS TO		PAGE	33	03/26/83	----- FISCAL YEAR 1984 -----		----- FISCAL YEAR 1985 -----	
02 ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION (CONT.)								
17 STATE PRISON (CONT.)								
01 ADMINISTRATION (CONT.)								
GENERAL FUNDS					1083,670	1084,926		
TOTAL					1083,670	1094,926		
					6955,742	7073,050		
TOTAL								
ESTIMATED SOURCE OF FUNDS FOR					6560,189	6671,979		
STATE PRISON					395,553	401,071		
GENERAL FUNDS					6955,742	7073,050		
OTHER FUNDS								
TOTAL								
					69784,244	70039,396		
TOTAL								
ESTIMATED SOURCE OF FUNDS FOR								
ADMINISTRATION OF JUSTICE AND PUBLIC PROTECTION								
GENERAL FUNDS					9172,764	9244,973		
OTHER FUNDS					35543,922	35197,774		
TOTAL					25067,558	25596,649		
					69784,244	70039,396		
TOTAL								
03 RESOURCE PROTECTION AND DEVELOPMENT								
01 FISH AND GAME DEPARTMENT								
01 ADMINISTRATION AND SUPPORT								
04 INFORMATION & EDUCATION								
STRIKE OUT								
92 DATA PROCESSING SERVICES					3,000	3,700		
INSERT IN PLACE THEREOF								
92 DATA PROCESSING SERVICES					3,000	3,700		
TOTAL							73,524	
TOTAL					67,809			
03 RESOURCE PROTECTION AND DEVELOPMENT								
01 FISH AND GAME DEPARTMENT								
01 ADMINISTRATION AND SUPPORT								
05 MAINTENANCE & CONSTRUCTION								

AMENDMENTS TO	PAGE	34	03/26/83	----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
HB0503					
<p>(CONT.)</p> <p>(CONT.)</p> <p>(CONT.)</p> <p>(CONT.)</p>					
<p>03 RESOURCE PROTECTION AND DEVELOPMENT</p> <p>01 FISH AND GAME DEPARTMENT</p> <p>01 ADMINISTRATION AND SUPPORT</p> <p>05 MAINTENANCE &amp; CONSTRUCTION</p>					
<p>INSERT AFTER SOURCE OF FUNDS</p> <p>NOTWITHSTANDING ANY OTHER PROVISION OF LAW, FOR THE BIENN'IUM ENDING JUNE 30, 1985, NO MONIES SHALL BE EXPENDED FOR LAND ACQUISITION OR PURCHASE OF DAMS EXCEPT THAT WITHIN THE APPROVED BUDGET, FISH AND GAME PERSONNEL MAY BE UTILIZED TO PERFORM SUCH SERVICES AS MAY BE NECESSARY IN ACCEPTING GIFTS OF LAND OR WHERE THE STATE'S SHARE OF LAND COSTS ARE DONATED BY THE OWNER OR A THIRD PARTY TO THE STATE ON LAND PURCHASED WITH FEDERAL FUNDS.</p>					
TOTAL	ESTIMATED SOURCE OF FUNDS FOR			1108,634	1157,801
	ADMINISTRATION AND SUPPORT				
	FEDERAL FUNDS			178,192	177,092
	FISH AND GAME			930,442	980,709
TOTAL				1108,634	1157,801
<p>03 RESOURCE PROTECTION AND DEVELOPMENT</p> <p>01 FISH AND GAME DEPARTMENT</p> <p>02 GAME RESOURCES</p> <p>02 MANAGEMENT &amp; RESEARCH</p>					
<p>STRIKE OUT</p> <p>91 DATA PROCESSING SERVICES</p> <p>INSERT IN PLACE THEREOF</p> <p>91 DATA PROCESSING SERVICES</p>					
			2,000		2,800
	A		2,000		2,800
TOTAL				298,758	300,238
TOTAL	ESTIMATED SOURCE OF FUNDS FOR			398,758	400,238
	GAME RESOURCES				

AMENDMENTS TO	PAGE	35	03/26/83		FISCAL YEAR 1984	FISCAL YEAR 1985
HBO500				(CONT.)		
Q3 RESOURCE PROTECTION AND DEVELOPMENT				(CONT.)		
01 FISH AND GAME DEPARTMENT				(CONT.)		
02 GAME RESOURCES						
					200,000	220,000
				FEDERAL FUNDS	86,758	48,238
				FISH AND GAME	138,000	132,000
				OTHER FUNDS	398,738	400,238
TOTAL						
Q3 RESOURCE PROTECTION AND DEVELOPMENT						
01 FISH AND GAME DEPARTMENT						
04 LAW ENFORCEMENT						
04 OFF HIGHWAY RECREATION VEHICLE PROGRAM						
01 OHRV ENFORCEMENT						
INSERT AFTER SOURCE OF FUNDS						
OHVR REGISTRATION FEES IN EXCESS OF \$380,000						
AND SPECIAL OHVR REGISTRATION FEES IN EXCESS						
OF \$70,000 IN EACH YEAR OF THE BIENNIIUM MAY BE						
EXPENDED WITH PRIOR APPROVAL OF THE FISCAL						
COMMITTEE AND THE GOVERNOR AND COUNCIL. THE						
EXCESS REVENUE IS HEREBY APPROPRIATED TO THE						
FISH AND GAME DEPARTMENT AND THE DEPARTMENT						
OF RESOURCES AND ECONOMIC DEVELOPMENT IN THE						
SAME PROPORTION AS APPROPRIATED HEREIN.						
TOTAL					4769,337	4827,781
ESTIMATED SOURCE OF FUNDS FOR						
FISH AND GAME DEPARTMENT						
FEDERAL FUNDS					748,142	762,360
FISH AND GAME					3395,444	340,838
OTHER FUNDS					625,751	827,586
TOTAL					4769,337	4827,781
Q3 RESOURCE PROTECTION AND DEVELOPMENT						
Q3 INDUSTRIAL DEVELOPMENT AUTHORITY						

AMENDMENTS TO	PAGE	36	03/26/83		----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
HB0500						
03 RESOURCE PROTECTION AND DEVELOPMENT				(CONT.)		
02 INDUSTRIAL DEVELOPMENT AUTHORITY				(CONT.)		
INSERT AFTER SOURCE OF FUNDS						
AUTHORITY IS HEREBY GIVEN TO UTILIZE SO MUCH AS MAY BE NECESSARY OF ANY SURPLUS ACCUMULATED DURING FISCAL 1984 AND 1985 WITHIN THE AGENCY NOT OTHERWISE APPROPRIATED, AS MAY BE SPECIFICALLY APPROVED BY THE FISCAL COMMITTEE AND THE GOVERNOR AND COUNCIL.						
03 RESOURCE PROTECTION AND DEVELOPMENT						
03 RESOURCES AND ECONOMIC DEVELOPMENT						
01 ADMINISTRATION AND SUPPORT						
03 HISTORIC PRESERVATION OFFICE						
INSERT AFTER SOURCE OF FUNDS						
NOTWITHSTANDING ANY OTHER PROVISION OF LAW, DURING THE BIENNIMUM THE COMMISSIONER OF RESOURCES AND ECONOMIC DEVELOPMENT SHALL APPLY THE FIRST REVENUE PROMOTION ACT AND THE FIRST VICES FOR THE RECOVERY OF DIRECT AND INDIRECT COSTS APPLICABLE TO ANY BUREAU OF OUTDOOR RECREATION PROJECT. ANY REVENUE RECEIVED SHALL BE DEPOSITED IN THE GENERAL FUND.						
03 RESOURCE PROTECTION AND DEVELOPMENT						
03 RESOURCES AND ECONOMIC DEVELOPMENT						
02 ECONOMIC DEVELOPMENT						
03 TRAVEL PROMOTION						
STRIKE OUT						
93 JOINT PROMOTIONAL ADVERTISING				250,000		250,000
INSERT IN PLACE THEREOF						
93 JOINT PROMOTIONAL ADVERTISING				350,000		350,000

AMENDMENTS TO	PAGE	37	03/26/83		----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
HB0500						
03 RESOURCE PROTECTION AND DEVELOPMENT				(CONT.)		
03 RESOURCES AND ECONOMIC DEVELOPMENT				(CONT.)		
02 ECONOMIC DEVELOPMENT				(CONT.)		
03 TRAVEL PROMOTION				(CONT.)		
TOTAL					1137,887	1146,945
ESTIMATED SOURCE OF FUNDS FOR						
TRAVEL PROMOTION						
STRIKE OUT						
GENERAL FUND					1037,887	1046,945
INSERT THEREOF					1137,887	1146,945
GENERAL FUND					1137,887	1146,945
TOTAL						
TOTAL					1487,012	1500,342
ESTIMATED SOURCE OF FUNDS FOR						
ECONOMIC DEVELOPMENT						
GENERAL FUNDS					1487,012	1500,342
TOTAL					1487,012	1500,342
03 RESOURCE PROTECTION AND DEVELOPMENT						
03 RESOURCES AND ECONOMIC DEVELOPMENT						
04 PARKS AND RECREATION						
07 RECREATION SERVICES						
INSERT AFTER SOURCE OF FUNDS						
NOTWITHSTANDING ANY OTHER PROVISION OF LAW, FOR						
THE BIENNium THE DIRECTOR OF THE DIVISION OF						
PARKS IS AUTHORIZED TO PURCHASE SUCH INSURANCE						
AS HE SHALL DEEM ADVISABLE TO INSURE ANY						
INVENTORY ON HAND WHICH IS TO BE USED FOR						
RESALE.						
03 RESOURCE PROTECTION AND DEVELOPMENT						
03 RESOURCES AND ECONOMIC DEVELOPMENT						
05 OFF HIGHWAY RECREATION VEHICLE						



AMENDMENTS TO	PAGE	38	03/26/83	----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
HB0500					
(CONT.)					
03 RESOURCE PROTECTION AND DEVELOPMENT					
03 RESOURCES AND ECONOMIC DEVELOPMENT					
05 OFF HIGHWAY RECREATION VEHICLE					
(CONT.)					
INSERT AFTER SOURCE OF FUNDS					
OHV REGISTRATION FEES IN EXCESS OF \$380,000					
AND SPECIAL OHV REGISTRATION FEES IN EXCESS					
OF \$70,000 IN EACH YEAR OF THE BIENNIIUM MAY BE					
EXPENDED WITH PRIOR APPROVAL OF THE FISCAL					
COMMITTEE AND THE GOVERNOR AND COUNCIL. THE					
EXCESS REVENUE IS HEREBY APPROPRIATED TO THE					
FISH AND GAME DEPARTMENT AND THE DEPARTMENT					
OF RESOURCES AND ECONOMIC DEVELOPMENT IN THE					
SAME PROPORTION AS APPROPRIATED HEREIN.					
TOTAL				7692,861	7790,314
ESTIMATED SOURCE OF FUNDS FOR					
RESOURCES AND ECONOMIC DEVELOPMENT					
FEDERAL FUNDS				55,049	55,440
GENERAL FUNDS				6356,125	6455,139
OTHER FUNDS				1281,687	1279,735
TOTAL				7692,861	7790,314
03 RESOURCE PROTECTION AND DEVELOPMENT					
05 WATER POLLUTION COMMISSION					
01 OFFICE OF THE COMMISSION					
STRIKE OUT					
90 STATE AID GRANTS				8645,257	8765,880
INSERT IN PLACE THEREOF					
90 STATE AID GRANTS				8645,257	8765,880
* INSERT					
* THE FUNDS IN THIS APPROPRIATION SHALL NOT BE					
TRANSFERRED OR EXPENDED FOR ANY OTHER PURPOSE					
AND SHALL BE NON-LAPSING.					

AMENDMENTS TO	PAGE	39	03/26/83	----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
HB0500					
(CONT.) 03 RESOURCE PROTECTION AND DEVELOPMENT 05 WATER POLLUTION COMMISSION 01 OFFICE OF THE COMMISSION (CONT.)					
TOTAL			10293,910		10441,125
03 RESOURCE PROTECTION AND DEVELOPMENT 05 WATER POLLUTION COMMISSION 02 WINNIPESAUKEE RIVER BASIN					
INSERT AFTER SOURCE OF FUNDS THE AMOUNT HEREBY APPROPRIATED FOR FISCAL YEAR 1984 AND FISCAL YEAR 1985 SHALL BE OFFSET BY REVENUE AND SHALL BE OPERATED WITHOUT THE USE OF ANY GENERAL FUNDS.					
TOTAL			13892,962		14129,022
ESTIMATED SOURCE OF FUNDS FOR WATER POLLUTION COMMISSION FEDERAL FUNDS GENERAL FUNDS OTHER FUNDS					
TOTAL			1612,466		1642,112
			10773,208		10924,842
			1507,288		1562,068
			13892,962		14129,022
TOTAL			27964,268		28367,562
ESTIMATED SOURCE OF FUNDS FOR RESOURCE PROTECTION AND DEVELOPMENT FEDERAL FUNDS GENERAL FUNDS FISH AND GAME OTHER FUNDS					
TOTAL			2784,714		2830,498
			17904,642		18137,258
			3395,444		3440,853
			3879,468		3936,953
			27964,268		28367,562
04 TRANSPORTATION 03 PUBLIC WORKS AND HIGHWAYS 03 PROJECT DEVELOPMENT 03 PLANNING AND ECONOMICS					
STRIKE OUT					
20 CURRENT EXPENSES				28,000	28,000

AMENDMENTS TO	PAGE	40	03/26/83		----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
HB0500						
(CONT.)						
04 TRANSPORTATION						
03 PUBLIC WORKS AND HIGHWAYS						
03 PROJECT DEVELOPMENT						
(CONT.)						
03 PLANNING AND ECONOMICS						
(CONT.)						
INSERT IN PLACE THEREOF						
20 CURRENT EXPENSES						
INSERT				27,500	27,500	
90 TRANSFER TO CDP			A	500	500	
TOTAL				912,264	918,152	
TOTAL				91315,672	95271,709	
ESTIMATED SOURCE OF FUNDS FOR						
PROJECT DEVELOPMENT						
FEDERAL FUNDS						
HIGHWAY FUNDS						
TOTAL				57400,413	60917,413	
				33915,259	34354,296	
				91315,672	95271,709	
04 TRANSPORTATION						
03 PUBLIC WORKS AND HIGHWAYS						
05 PUBLIC WORKS & TRANSPORTATION						
02 RAILROAD DIVISION						
INSERT AFTER SOURCE OF FUNDS						
OTHER PROVISIONS OF LAW NOTWITHSTANDING NO						
SUBSIDIES SHALL BE PAID TO ANY RAILROAD						
OPERATIONS EXCEPT AND UNLESS THE SUBSIDIES						
ARE FUNDED IN FULL BY FEDERAL AID.						
04 TRANSPORTATION						
03 PUBLIC WORKS AND HIGHWAYS						
06 OTHER HIGHWAY SUPPORT						
04 TRANSFERS TO OTHER AGENCIES						
STRIKE OUT						
90 TRANSFER TO SAFETY						
INSERT IN PLACE THEREOF				15996,879	16758,566	
90 TRANSFER TO SAFETY				15670,824	16009,269	

AMENDMENTS TO	PAGE	41	03/26/83	----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
04 TRANSPORTATION					
03 PUBLIC WORKS AND HIGHWAYS					
06 OTHER HIGHWAY SUPPORT					
04 TRANSFERS TO OTHER AGENCIES					
(CONT.)					
(CONT.)					
(CONT.)					
TOTAL			16676,013	17043,062	
ESTIMATED SOURCE OF FUNDS FOR					
TRANSFERS TO OTHER AGENCIES					
STRIKE OUT					
HIGHWAY FUND			17002,068	17792,359	
INSERT IN PLACE THEREOF					
HIGHWAY FUND			16676,013	17043,062	
TOTAL			16676,013	17043,062	
TOTAL			17857,831	18353,517	
ESTIMATED SOURCE OF FUNDS FOR					
OTHER HIGHWAY SUPPORT					
HIGHWAY FUNDS			17857,831	18353,517	
TOTAL			165262,953	171101,795	
TOTAL			58191,591	61708,129	
ESTIMATED SOURCE OF FUNDS FOR					
PUBLIC WORKS AND HIGHWAYS					
FEDERAL FUNDS			196,390	196,968	
GENERAL FUNDS			102711,956	104712,541	
HIGHWAY FUNDS			4163,016	4484,157	
OTHER FUNDS			165262,953	171101,795	
TOTAL			164177,672	189847,013	
TOTAL			59191,591	62708,129	
ESTIMATED SOURCE OF FUNDS FOR					
TRANSPORTATION					
FEDERAL FUNDS			444,392	450,141	
GENERAL FUNDS			102711,956	104712,541	
HIGHWAY FUNDS			21829,733	21976,202	
OTHER FUNDS			184177,672	189847,013	
TOTAL					
05 HEALTH AND SOCIAL SERVICES					
02 DEPARTMENT OF HEALTH AND WELFARE					
01 HEALTH AND WELFARE COMMISSIONER					
03 ALCOHOL AND DRUG ABUSE PREVENTION					
02 TREATMENT & PREVENTION - STATE					
STRIKE OUT					
10 PERSONAL SERVICES - PERMANENT					
			129,525		130,538

AMENDMENTS TO	PAGE	42	03/26/83	----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
05 HEALTH AND SOCIAL SERVICES (CONT.)					
02 DEPARTMENT OF HEALTH AND WELFARE (CONT.)					
01 HEALTH AND WELFARE COMMISSIONER (CONT.)					
03 ALCOHOL AND DRUG ABUSE PREVENTION (CONT.)					
02 TREATMENT & PREVENTION - STATE (CONT.)					
INSERT IN PLACE THEREOF			172,972		
10 PERSONAL SERVICES - PERMANENT				176,266	
STRIKE OUT					
60 BENEFITS			25,905	26,108	
INSERT IN PLACE THEREOF					
60 BENEFITS			34,594	35,254	
STRIKE OUT					
70 IN-STATE TRAVEL			3,583	3,797	
INSERT IN PLACE THEREOF					
70 IN-STATE TRAVEL			6,583	6,797	
STRIKE OUT					
80 OUT-OF-STATE TRAVEL			244	266	
INSERT IN PLACE THEREOF					
80 OUT-OF-STATE TRAVEL			1,444	1,466	
INSERT					
95 AUDIT REFUND			32,280		
STRIKE OUT					
97 COMMUNITY PROGRAMS			595,674	590,334	
INSERT IN PLACE THEREOF					
97 COMMUNITY PROGRAMS			507,058	531,260	
TOTAL			791,134		790,239
TOTAL			2062,706		2067,019
ESTIMATED SOURCE OF FUNDS FOR					
ALCOHOL AND DRUG ABUSE PREVENTION					
FEDERAL FUNDS			988,595		988,595
GENERAL FUNDS			163,984		167,409
OTHER FUNDS			310,127		311,015
TOTAL			2062,706		2067,019
TOTAL			2680,194		2494,902
ESTIMATED SOURCE OF FUNDS FOR					
HEALTH AND WELFARE COMMISSIONER					
FEDERAL FUNDS			1124,123		1130,077
GENERAL FUNDS			1245,944		1053,810
OTHER FUNDS			310,127		311,015



AMENDMENTS TO		PAGE	43	03/26/83	----- FISCAL YEAR 1984 -----		----- FISCAL YEAR 1985 -----	
HB0500 05 HEALTH AND SOCIAL SERVICES 02 DEPARTMENT OF HEALTH AND WELFARE 01 HEALTH AND WELFARE COMMISSIONER (CONT.) (CONT.) (CONT.)								
TOTAL					2680,194		2494,902	
05 HEALTH AND SOCIAL SERVICES								
02 DEPARTMENT OF HEALTH AND WELFARE								
02 DIVISION OF PUBLIC HEALTH SERVICES								
01 ADMINISTRATION AND SUPPORT								
01 OFFICE OF DIRECTOR								
STRIKE OUT								
COMPUTER SUPPORT SERVICES					2,500		2,600	
INSERT IN PLACE THEREOF								
91 COMPUTER SUPPORT SERVICES A					2,500		2,600	
TOTAL					253,884		261,313	
05 HEALTH AND SOCIAL SERVICES								
02 DEPARTMENT OF HEALTH AND WELFARE								
02 DIVISION OF PUBLIC HEALTH SERVICES								
01 ADMINISTRATION AND SUPPORT								
03 MGMT INFORMATION SERVICES								
STRIKE OUT								
93 SYSTEMS PROCESSING								
INSERT					237,000		205,600	
95 DATA PROCESSING A					53,653		68,784	
TOTAL					572,109		594,793	
ESTIMATED SOURCE OF FUNDS FOR								
MGMT INFORMATION SERVICES								
STRIKE OUT								
GENERAL FUND					541,484		526,796	
INSERT IN PLACE THEREOF					358,137		389,980	
GENERAL FUND					572,109		594,793	
TOTAL					1080,358		1116,180	
TOTAL								
ESTIMATED SOURCE OF FUNDS FOR								
ADMINISTRATION AND SUPPORT								

AMENDMENTS TO	PAGE	44	03/26/83		----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
HB0500						
05 HEALTH AND SOCIAL SERVICES						
02 DEPARTMENT OF HEALTH AND WELFARE						
02 DIVISION OF PUBLIC HEALTH SERVICES						
01 ADMINISTRATION AND SUPPORT						
				(CONT.)		
				(CONT.)		
				(CONT.)		
				(CONT.)		
FEDERAL FUNDS						
GENERAL FUNDS						
TOTAL					265,124	255,965
					815,234	860,215
					1080,358	1116,180
05 HEALTH AND SOCIAL SERVICES						
02 DEPARTMENT OF HEALTH AND WELFARE						
02 DIVISION OF PUBLIC HEALTH SERVICES						
02 OFFICE OF HEALTH PROTECTION						
02 BUREAU OF EMERGENCY MED SVCS						
STRIKE OUT						
95 DATA COLLECTION & PROCESSING				16,800		17,640
INSERT IN PLACE THEREOF						
95 DATA COLLECTION & PROCESSING				16,800		17,640
TOTAL					1057,339	1072,391
05 HEALTH AND SOCIAL SERVICES						
02 DEPARTMENT OF HEALTH AND WELFARE						
02 DIVISION OF PUBLIC HEALTH SERVICES						
02 OFFICE OF HEALTH PROTECTION						
05 BUREAU OF HEALTH PROMOTION						
INSERT						
90 DATA PROCESSING				10,900		11,881
TOTAL					288,313	300,878
ESTIMATED SOURCE OF FUNDS FOR						
BUREAU OF HEALTH PROMOTION						
STRIKE OUT						
FEDERAL FUNDS					277,413	288,997
INSERT IN PLACE THEREOF						
FEDERAL FUNDS					288,313	300,878
TOTAL					288,313	300,878
ESTIMATED SOURCE OF FUNDS FOR						
OFFICE OF HEALTH PROTECTION					2134,862	2182,001

AMENDMENTS TO	PAGE	45	03/26/83	----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
<p>HB0500</p>					
<p>05 HEALTH AND SOCIAL SERVICES (CONT.)</p>					
<p>02 DEPARTMENT OF HEALTH AND WELFARE (CONT.)</p>					
<p>02 DIVISION OF PUBLIC HEALTH SERVICES (CONT.)</p>					
<p>02 OFFICE OF HEALTH PROTECTION (CONT.)</p>					
<p>TOTAL</p>					
<p>FEDERAL FUNDS</p>					
<p>GENERAL FUNDS</p>					
<p>OTHER FUNDS</p>					
<p>05 HEALTH AND SOCIAL SERVICES</p>					
<p>02 DEPARTMENT OF HEALTH AND WELFARE</p>					
<p>02 DIVISION OF PUBLIC HEALTH SERVICES</p>					
<p>04 OFFICE OF FAMILY &amp; COMMUNITY HEALTH</p>					
<p>05 SUPPLEMENTAL FOOD PROGRAM</p>					
<p>STRIKE OUT -</p>					
<p>20 CURRENT EXPENSES</p>					
<p>INSERT IN PLACE THEREOF</p>					
<p>20 CURRENT EXPENSES</p>					
<p>STRIKE OUT</p>					
<p>20 IN-STATE TRAVEL</p>					
<p>INSERT IN PLACE THEREOF</p>					
<p>20 IN-STATE TRAVEL</p>					
<p>STRIKE OUT</p>					
<p>20 OUT-OF-STATE TRAVEL</p>					
<p>INSERT IN PLACE THEREOF</p>					
<p>20 OUT-OF-STATE TRAVEL</p>					
<p>STRIKE OUT</p>					
<p>20 FOOD COSTS</p>					
<p>INSERT IN PLACE THEREOF</p>					
<p>20 FOOD COSTS</p>					
<p>STRIKE OUT</p>					
<p>20 CDP AUTOMATION</p>					
<p>98 CONSULTANTS</p>					
<p>INSERT IN PLACE THEREOF</p>					
<p>98 CONTRACTS</p>					
<p>STRIKE OUT</p>					
<p>99 INDIRECT COSTS</p>					
<p>INSERT IN PLACE THEREOF</p>					
<p>99 INDIRECT COSTS</p>					
<p>15,000</p>					
<p>58,249</p>					
<p>1,000</p>					
<p>2,980</p>					
<p>400</p>					
<p>800</p>					
<p>2210,476</p>					
<p>4069,781</p>					
<p>4,200</p>					
<p>200,825</p>					
<p>899,913</p>					
<p>41,580</p>					
<p>108,112</p>					
<p>15,000</p>					
<p>61,249</p>					
<p>1,000</p>					
<p>3,300</p>					
<p>850</p>					
<p>2010,745</p>					
<p>4436,061</p>					
<p>4,410</p>					
<p>240,000</p>					
<p>944,909</p>					
<p>45,658</p>					
<p>166,786</p>					
<p>1405,278</p>					
<p>404,974</p>					
<p>324,610</p>					
<p>2134,862</p>					
<p>1422,497</p>					
<p>401,911</p>					
<p>337,593</p>					
<p>2182,001</p>					

AMENDMENTS TO	PAGE	46	Q3/26/83	----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
OS HEALTH AND SOCIAL SERVICES 02 DEPARTMENT OF HEALTH AND WELFARE 02 DIVISION OF PUBLIC HEALTH SERVICES 04 OFFICE OF FAMILY & COMMUNITY HEALTH 05 SUPPLEMENTAL FOOD PROGRAM					
(CONT.)					
(CONT.)					
(CONT.)					
(CONT.)					
TOTAL				5357,375	5835,910
ESTIMATED SOURCE OF FUNDS FOR SUPPLEMENTAL FOOD PROGRAM					
STRIKE OUT					
FEDERAL FUNDS				2682,621	2530,748
INSERT IN PLACE THEREOF					
FEDERAL FUNDS				5357,375	5835,910
TOTAL				5357,375	5835,910
TOTAL				9796,726	10429,009
ESTIMATED SOURCE OF FUNDS FOR OFFICE OF FAMILY & COMMUNITY HEALTH					
FEDERAL FUNDS				7236,211	7656,746
GENERAL FUNDS				2500,515	2776,263
TOTAL				9796,726	10429,009
OS HEALTH AND SOCIAL SERVICES 02 DEPARTMENT OF HEALTH AND WELFARE 02 DIVISION OF PUBLIC HEALTH SERVICES 05 OFFICE OF WASTE MANAGEMENT 01 BUREAU OF SOLID WASTE MGMT					
STRIKE OUT					
91 CDP SERVICES			12,569		13,569
INSERT IN PLACE THEREOF					
91 CDP SERVICES			13,080		14,257
A					
TOTAL				271,280	285,637
ESTIMATED SOURCE OF FUNDS FOR BUREAU OF SOLID WASTE MGMT					
STRIKE OUT					
GENERAL FUND				265,519	279,699
INSERT IN PLACE THEREOF					
GENERAL FUND				266,030	280,387
TOTAL				271,280	285,637
OS HEALTH AND SOCIAL SERVICES 02 DEPARTMENT OF HEALTH AND WELFARE 02 DIVISION OF PUBLIC HEALTH SERVICES 05 OFFICE OF WASTE MANAGEMENT 02 BUREAU OF HAZARDOUS WASTE MGMT					
STRIKE OUT					
91 CDP			8,378		

AMENDMENTS TO		PAGE	47	03/26/83	----- FISCAL YEAR 1984 -----		----- FISCAL YEAR 1985 -----	
<p>HB0500</p> <p>05 HEALTH AND SOCIAL SERVICES (CONT.)</p> <p>02 DEPARTMENT OF HEALTH AND WELFARE (CONT.)</p> <p>02 DIVISION OF PUBLIC HEALTH SERVICES (CONT.)</p> <p>03 OFFICE OF WASTE MANAGEMENT (CONT.)</p> <p>02 BUREAU OF HAZARDOUS WASTE MGMT (CONT.)</p>								
INSERT IN PLACE THEREOF					8,720			
91 CDP								
TOTAL						686,349	703,744	
ESTIMATED SOURCE OF FUNDS FOR								
BUREAU OF HAZARDOUS WASTE MGMT								
STRIKE OUT								
GENERAL FUND						510,307	528,044	
INSERT IN PLACE THEREOF								
GENERAL FUND						510,649	528,044	
TOTAL						686,349	703,744	
05 HEALTH AND SOCIAL SERVICES								
02 DEPARTMENT OF HEALTH AND WELFARE								
02 DIVISION OF PUBLIC HEALTH SERVICES								
03 OFFICE OF WASTE MANAGEMENT								
03 HAZARDOUS WASTE FUND								
STRIKE OUT								
93 CDP SERVICES					2,402		2,593	
INSERT IN PLACE THEREOF								
93 CDP SERVICES					2,500		2,725	
TOTAL						597,265	596,395	
ESTIMATED SOURCE OF FUNDS FOR								
HAZARDOUS WASTE FUND								
STRIKE OUT								
GENERAL FUND						232,167	231,263	
INSERT IN PLACE THEREOF								
GENERAL FUND						232,265	231,395	
TOTAL						597,265	596,395	
TOTAL						1534,894	1585,776	
ESTIMATED SOURCE OF FUNDS FOR								
OFFICE OF WASTE MANAGEMENT								
FEDERAL FUNDS						175,700	175,700	
GENERAL FUNDS						1008,944	1039,826	



AMENDMENTS TO	PAGE	48	03/26/83	----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
HB0500					
OS HEALTH AND SOCIAL SERVICES (CONT.) 02 DEPARTMENT OF HEALTH AND WELFARE (CONT.) 02 DIVISION OF PUBLIC HEALTH SERVICES (CONT.) 05 OFFICE OF WASTE MANAGEMENT (CONT.)					
OTHER FUNDS				370,250	370,250
TOTAL				1554,894	1585,776
TOTAL				16375,272	17107,679
ESTIMATED SOURCE OF FUNDS FOR					
DIVISION OF PUBLIC HEALTH SERVICES					
FEDERAL FUNDS				9355,313	9708,908
STATE FUNDS				6212,016	6536,525
OTHER FUNDS				907,243	922,246
TOTAL				16375,272	17107,679
OS HEALTH AND SOCIAL SERVICES					
02 DEPARTMENT OF HEALTH AND WELFARE					
04 DIVISION OF WELFARE					
04 SUPPORT OPERATIONS					
01 ADMINISTRATION					
STRIKE OUT				688,003	850,265
93 COMPUTER ACQUISITION--PRINCIPAL					
STRIKE OUT				191,698	163,403
94 COMPUTER ACQUISITION-INTEREST					
TOTAL				1403,976	1446,576
ESTIMATED SOURCE OF FUNDS FOR					
ADMINISTRATION					
STRIKE OUT				1149,187	1265,888
FEDERAL FUNDS					
INSERT IN PLACE THEREOF				736,385	756,729
FEDERAL FUNDS					
STRIKE OUT				1134,490	1191,356
GENERAL FUND					
INSERT IN PLACE THEREOF				667,591	627,847
GENERAL FUND				1403,976	1446,576
TOTAL					
OS HEALTH AND SOCIAL SERVICES					
02 DEPARTMENT OF HEALTH AND WELFARE					
04 DIVISION OF WELFARE					
04 SUPPORT OPERATIONS					
03 MANAGEMENT SYSTEMS					
STRIKE OUT					
10 PERSONAL SERVICES - PERMANENT				707,863	731,452

AMENDMENTS TO	PAGE	49	03/26/83	----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
05 HEALTH AND SOCIAL SERVICES					
02 DEPARTMENT OF HEALTH AND WELFARE					
04 DIVISION OF HEALTH CARE					
04 SUPPORT OPERATIONS					
05 MANAGEMENT SYSTEMS					
			(CONT.)		
			(CONT.)		
			(CONT.)		
			(CONT.)		
			(CONT.)		
INSERT IN PLACE THEREOF			393,769		399,381
02 PERSONAL SERVICES - PERMANENT					
STRIKE OUT			68,884		75,769
020 CURRENT EXPENSES					
STRIKE OUT			13,570		
020 EQUIPMENT					
STRIKE OUT			141,573		146,290
60 BENEFITS					
INSERT IN PLACE THEREOF			78,754		79,876
60 BENEFITS					
STRIKE OUT			1,455		1,542
70 IN-STATE TRAVEL					
STRIKE OUT			79		84
80 OUT-OF-STATE TRAVEL					
INSERT			950,814		954,095
92 EMS OPERATIONS					
INSERT			774,090		822,080
94 MMIS OPERATIONS					
INSERT			75,000		90,000
95 SS OPERATIONS					
INSERT			28,400		36,300
96 FS OPERATIONS					
INSERT			200,000		150,000
97 IVD OPERATIONS					
STRIKE OUT			190,000		230,000
98 DATA ENTRY					
STRIKE OUT			1609,088		1739,446
99 DATA MANAGEMENT SYSTEM					
TOTAL			2932,124		3034,080
ESTIMATED SOURCE OF FUNDS FOR					
MANAGEMENT SYSTEMS					
STRIKE OUT			1949,356		2107,230
FEDERAL FUNDS					
INSERT IN PLACE THEREOF			1796,427		1854,855
FEDERAL FUNDS					
STRIKE OUT			1214,453		1319,701
GENERAL FUND					



AMENDMENTS TO	PAGE	51	03/26/83	----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
05 HEALTH AND SOCIAL SERVICES 02 DEPARTMENT OF HEALTH AND WELFARE 05 DIVISION OF MENTAL HEALTH 01 ADMINISTRATION 02 ADMINISTRATION AND SUPPORT INSERT IN PLACE THEREOF GENERAL FUND TOTAL					
				1396,894	1066,119
				1406,394	1075,619
TOTAL				32441,871	37544,434
ESTIMATED SOURCE OF FUNDS FOR					
ADMINISTRATION					
FEDERAL FUNDS				2545,552	2542,061
GENERAL FUNDS				29886,819	34992,873
OTHER FUNDS				9,500	9,500
TOTAL				32441,871	37544,434
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR				32441,871	37544,434
DIVISION OF MENTAL HEALTH					
FEDERAL FUNDS				2545,552	2542,061
GENERAL FUNDS				29886,819	34992,873
OTHER FUNDS				9,500	9,500
TOTAL				32441,871	37544,434
05 HEALTH AND SOCIAL SERVICES					
02 DEPARTMENT OF HEALTH AND WELFARE					
06 LACONIA STATE SCHOOL					
01 ADMINISTRATION					
STRIKE OUT					
02 SYSTEMS PROCESSING					
				93,550	91,235
TOTAL				713,541	687,757
ESTIMATED SOURCE OF FUNDS FOR					
ADMINISTRATION					
STRIKE OUT				807,091	778,992
GENERAL FUND					
INSERT IN PLACE THEREOF				713,541	687,757
GENERAL FUND				713,541	687,757
TOTAL				713,541	687,757

AMENDMENTS TO	PAGE	52	03/26/83	----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
HB0500					
05 HEALTH AND SOCIAL SERVICES					
02 DEPARTMENT OF HEALTH AND WELFARE					
06 LACONIA STATE SCHOOL					
01 ADMINISTRATION					
					(CONT.)
					(CONT.)
					(CONT.)
05 HEALTH AND SOCIAL SERVICES					
02 DEPARTMENT OF HEALTH AND WELFARE					
06 LACONIA STATE SCHOOL					
07 TITLE I - ESEA					
INSERT AFTER SOURCE OF FUNDS					
<p>THE SUPERINTENDENT OF THE LACONIA STATE SCHOOL AND TRAINING CENTER IS HEREBY AUTHORIZED AFTER RECEIVING APPROVAL OF THE LEGISLATIVE FISCAL COMMITTEE AND THE GOVERNOR AND COUNCIL, TO CONTRACT FOR HOUSEKEEPING SERVICES. THE CONTRACT SHALL GUARANTEE THE RIGHTS OF ALL CLASSIFIED EMPLOYEES TO THE EXTENT THAT SAID EMPLOYEES SHALL BE RETAINED AND SHALL NOT LOSE ANY OF THE RIGHTS AFFORDED CLASSIFIED EMPLOYEES UNDER THE RULES AND REGULATIONS OF THE DEPARTMENT OF PERSONNEL. FOR THE PURPOSES OF ENTERING INTO A HOUSEKEEPING SERVICES CONTRACT, THE PROVISIONS OF RSA 9:17-A, RSA 9:17-C, AND RSA 99:14 SHALL NOT APPLY.</p>					
TOTAL				17891,853	16637,711
ESTIMATED SOURCE OF FUNDS FOR					
LACONIA STATE SCHOOL					
GENERAL FUNDS				17806,153	16558,959
OTHER FUNDS				85,700	18,752
TOTAL				17891,853	16637,711
05 HEALTH AND SOCIAL SERVICES					
02 DEPARTMENT OF HEALTH AND WELFARE					
01 NEW HAMPSHIRE HOSPITAL					
01 CUST CARE AND MAINTENANCE					
01 ADMINISTRATION					
INSERT					
91 CDP SERVICES				85,200	102,240
A					



AMENDMENTS TO PAGE 53 03/26/83  
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05 HEALTH AND SOCIAL SERVICES  
 02 DEPARTMENT OF HEALTH AND WELFARE  
 07 NEW HAMPSHIRE HOSPITAL  
 01 CUST CARE AND MAINTENANCE  
 01 ADMINISTRATION

(CONT.)  
 (CONT.)  
 (CONT.)  
 (CONT.)  
 (CONT.)

TOTAL	1719,229	1731,788
ESTIMATED SOURCE OF FUNDS FOR		
ADMINISTRATION		
STRIKE OUT		
GENERAL FUND	1606,029	1601,548
INSERT IN PLACE THEREOF		
GENERAL FUND	1691,229	1703,788
TOTAL	1719,229	1731,788
TOTAL	9764,682	9568,569
ESTIMATED SOURCE OF FUNDS FOR		
CUST CARE AND MAINTENANCE		
GENERAL FUNDS	9455,008	9338,895
OTHER FUNDS	309,674	309,674
TOTAL	9764,682	9568,569

05 HEALTH AND SOCIAL SERVICES  
 02 DEPARTMENT OF HEALTH AND WELFARE  
 07 NEW HAMPSHIRE HOSPITAL  
 03 TRAINING & EDUCATION  
 03 CHILDREN & YOUTH EDUCATION

INSERT AFTER SOURCE OF FUNDS

- THE SUPERINTENDENT OF THE NEW HAMPSHIRE  
 HOSPITAL IS HEREBY AUTHORIZED AFTER  
 RECEIVING APPROVAL OF THE LEGISLATIVE FISCAL  
 COMMITTEE AND THE GOVERNING COUNCIL, THE CON-  
 TO CONTRACT FOR MAINTENANCE SERVICES, THE CON-  
 TRACT SHALL BE TO THE EXTENT THAT SAID CLASS-  
 FIED EMPLOYEES TO THE EXTENT THAT SAID EMPLOY-  
 EES SHALL BE RETAINED AND SHALL NOT LOSE ANY  
 OF THE RIGHTS AFFORDED CLASSIFIED EMPLOYEES  
 UNDER THE RULES AND REGULATIONS OF THE DEPART-

----- FISCAL YEAR 1984 ----- FISCAL YEAR 1985 -----

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05 HEALTH AND SOCIAL SERVICES (CONT.)  
02 DEPARTMENT OF HEALTH AND WELFARE (CONT.)  
07 NEW HAMPSHIRE HOSPITAL (CONT.)  
03 TRAINING & EDUCATION (CONT.)  
03 CHILDREN & YOUTH EDUCATION (CONT.)

MENT OF PERSONNEL FOR THE PURPOSES OF ENTERING  
INTO A HOUSEKEEPING SERVICES CONTRACT, THE  
PROVISIONS OF RSA 9:17-A, RSA 9:17-C, AND RSA  
99:1 SHALL NOT APPLY.

TOTAL	25653,844	25123,652
ESTIMATED SOURCE OF FUNDS FOR		
NEW HAMPSHIRE HOSPITAL		
GENERAL FUNDS	24690,173	24170,916
OTHER FUNDS	963,671	952,736
TOTAL	25653,844	25123,652
TOTAL	27753,398	298306,817
ESTIMATED SOURCE OF FUNDS FOR		
DEPARTMENT OF HEALTH AND WELFARE		
FEDERAL FUNDS	120211,508	130786,363
GENERAL FUNDS	129672,493	13068,988
OTHER FUNDS	27869,397	30653,465
TOTAL	27753,398	298306,817

05 HEALTH AND SOCIAL SERVICES  
03 VETERANS HOME  
02 VETERANS HOME CUSTODIAL CARE

INSERT AFTER SOURCE OF FUNDS

NOTWITHSTANDING ANY OTHER PROVISION OF LAW,  
DURING THE BIENNIAL ENDING JUNE 30, 1985, IF  
REVENUES TO THE VETERANS' HOME FROM MEMBERS  
EXCESS INCOME EXCEEDS THE AMOUNT ESTIMATED,  
SAID EXCESS MAY BE EXPENDED WITH PRIOR APPROVAL  
OF THE LEGISLATIVE FISCAL COMMITTEE AND THE  
GOVERNOR AND COUNCIL.

AMENDMENTS TO	PAGE	SS	03/26/83	----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
<p>05 HEALTH AND SOCIAL SERVICES  03 VETERANS HOME  02 VETERANS HOME CUSTODIAL CARE</p>					
(CONT.)					
(CONT.)					
(CONT.)					
<p>TOTAL</p> <p>ESTIMATED SOURCE OF FUNDS FOR</p> <p>HEALTH AND SOCIAL SERVICES</p> <p>FEDERAL FUNDS</p> <p>GENERAL FUNDS</p> <p>OTHER FUNDS</p> <p>TOTAL</p>					
				286351,711	306951,756
				126937,115	137536,706
				130716,187	137912,239
				28716,409	31502,811
				286351,711	306951,756
<p>06 EDUCATION</p> <p>02 EDUCATION</p> <p>01 POST SECONDARY EDUCATION COMMISSION</p> <p>01 POST SECONDARY EDUCATION ADMINISTRATION</p>					
<p>STRIKE OUT</p> <p>94 DATA PROCESSING SERVICES</p> <p>INSERT IN PLACE THEREOF</p> <p>94 DATA PROCESSING SERVICES A</p> <p>TOTAL</p> <p>ESTIMATED SOURCE OF FUNDS FOR</p> <p>POST SECONDARY EDUCATION ADMINISTRATION</p> <p>STRIKE OUT</p> <p>GENERAL FUND</p> <p>INSERT IN PLACE THEREOF</p> <p>GENERAL FUND</p> <p>TOTAL</p> <p>TOTAL</p> <p>ESTIMATED SOURCE OF FUNDS FOR</p> <p>POST SECONDARY EDUCATION COMMISSION</p> <p>FEDERAL FUNDS</p> <p>GENERAL FUNDS</p> <p>OTHER FUNDS</p> <p>TOTAL</p> <p>TOTAL</p>					
				20,000	21,000
				22,500	25,000
				1136,005	1167,220
				858,205	887,920
				860,705	891,920
				1136,005	1167,220
				1191,468	1227,147
				275,000	275,000
				866,035	895,250
				52,433	56,897
				1191,468	1227,147
				1191,468	1227,147

AMENDMENTS TO	PAGE	56	03/26/83	----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
06 EDUCATION					
02 EDUCATION					
(CONT.)					
(CONT.)					
ESTIMATED SOURCE OF FUNDS FOR					
EDUCATION					
FEDERAL FUNDS					
GENERAL FUNDS					
OTHER FUNDS					
TOTAL					
06 EDUCATION				275,000	275,000
03 BOARD OF EDUCATION				864,035	895,250
01 ADMINISTRATION AND SUPPORT				52,433	56,897
03 BUSINESS MANAGEMENT				1191,468	1227,147
01 EDUCATION BUS MANAGEMENT					
STRIKE OUT					
10 PERSONAL SERVICES - PERMANENT			237,842		241,882
INSERT IN PLACE THEREOF			270,611		264,026
10 PERSONAL SERVICES - PERMANENT					
STRIKE OUT			47,568		48,440
60 BENEFITS					
INSERT IN PLACE THEREOF			54,122		52,869
60 BENEFITS					
STRIKE OUT			100,200		52,800
95 DATA PROCESSING SERVICE					
TOTAL			350,683		344,769
ESTIMATED SOURCE OF FUNDS FOR					
EDUCATION BUS MANAGEMENT					
STRIKE OUT			402,910		362,346
GENERAL FUND					
INSERT IN PLACE THEREOF			342,033		336,119
GENERAL FUND			350,683		344,769
TOTAL			422,121		416,689
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
BUSINESS MANAGEMENT					
GENERAL FUNDS			342,033		336,119

AMENDMENTS TO		PAGE	57	03/26/83	----- FISCAL YEAR 1984 -----		----- FISCAL YEAR 1985 -----	
<p>06 EDUCATION  03 BOARD OF EDUCATION  01 ADMINISTRATION AND SUPPORT  03 BUSINESS MANAGEMENT</p>								
(CONT.)								
(CONT.)								
(CONT.)								
(CONT.)								
OTHER FUNDS								
TOTAL								
TOTAL								
ESTIMATED SOURCE OF FUNDS FOR								
ADMINISTRATION AND SUPPORT								
FEDERAL FUNDS								
GENERAL FUNDS								
OTHER FUNDS								
TOTAL								
06 EDUCATION								
03 BOARD OF EDUCATION								
02 ADULT BASIC EDUCATION								
01 ADMINISTRATION								
ESTIMATED SOURCE OF FUNDS FOR								
ADMINISTRATION								
STRIKE OUT								
09 AGENCY INCOME								
INSERT IN PLACE THEREOF								
09 AGENCY INCOME								
INSERT								
* BOARD OF EDUCATION: ADULT BASIC EDUCATION.								
NOT WITHSTANDING ANY OTHER PROVISIONS OF LAW,								
FOR THE BIENNIMUM ENDING JUNE 30, 1985, ALL								
COLLECTIONS FOR THE ISSUANCE OF HIGH SCHOOL								
EQUIVALENCY CERTIFICATES SHALL BE DEPOSITED								
AS RESTRICTED REVENUE.								
TOTAL								
ESTIMATED SOURCE OF FUNDS FOR								
ADULT BASIC EDUCATION								
FEDERAL FUNDS								
80,083								
422,121								
2624,886								
2624,752								
2053,741								
370,690								
200,455								
2624,886								
2054,671								
369,114								
200,937								
2624,752								
80,570								
416,689								
33,003								
35,500								
33,000								
35,500								
639,511								
645,338								
487,289								
487,993								



AMENDMENTS TO	PAGE	58	03/26/83		FISCAL YEAR 1984	FISCAL YEAR 1985
06 EDUCATION				(CONT.)		
03 BOARD OF EDUCATION				(CONT.)		
02 ADULT BASIC EDUCATION				(CONT.)		
GENERAL FUNDS					119,222	121,845
OTHER FUNDS					33,000	35,500
TOTAL					639,511	645,338
06 EDUCATION						
03 BOARD OF EDUCATION						
03 EDUC FINANCIAL AIDS TO DIST						
INSERT					3000,000	3000,000
97 SHEEPSTAKES DISTRIBUTION						
INSERT						
* THESE FUNDS SHALL BE DISTRIBUTED TO THE SCHOOL DISTRICTS OF THE STATE ON A FLAT GRANT PER RESIDENT PUPIL BASIS.						
TOTAL					11574,045	11574,045
ESTIMATED SOURCE OF FUNDS FOR						
EDUC FINANCIAL AIDS TO DIST						
STRIKE OUT						
GENERAL FUND					3764,045	3764,045
INSERT IN PLACE THEREOF					6764,045	6764,045
GENERAL FUND					11574,045	11574,045
TOTAL						
INSERT AFTER SOURCE OF FUNDS						
NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW, FOR THE BIENNIIUM ENDING JUNE 30, 1985, NO PORTION OF THE APPROPRIATION TO THE BOARD OF EDUCATION, EDUCATIONAL FINANCIAL AID TO DISTRICTS, PAU 06-03-03 SHALL BE USED TO REIMBURSE ANY SCHOOL DISTRICT ANY PORTION OF THE COST OF TRANSPORTING PUPILS WHO ATTEND A NONPUBLIC						

AMENDMENTS TO	PAGE	59	03/26/83		----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
(CONT.) (CONT.) (CONT.)						
06 EDUCATION						
03 BOARD OF EDUCATION						
03 EDUC FINANCIAL AIDS TO DIST						
SCHOOL AND THE STATE BOARD SHALL HAVE DISCRETIONARY AUTHORITY WITH REGARD TO PAYMENTS UNDER THE PROVISIONS OF RSA 189:49, 198:22 AND 186-A:8 IN ORDER TO COMPLY WITH THE U.S. SUPREME COURT DECISION.						
06 EDUCATION						
03 BOARD OF EDUCATION						
06 INSTRUCTION DIVISION						
01 PROGRAM SERVICES INSTRUCTION						
STRIKE OUT						
10 PERSONAL SERVICES - PERMANENT				107,848		108,627
INSERT IN PLACE THEREOF				111,948		112,727
STRIKE OUT						
60 BENEFITS				21,637		21,794
INSERT IN PLACE THEREOF				22,457		22,614
STRIKE OUT						
60 BENEFITS				26,692		26,692
99 INDIRECT COSTS				27,327		27,327
TOTAL				207,060		209,912
ESTIMATED SOURCE OF FUNDS FOR						
PROGRAM SERVICES INSTRUCTION						
STRIKE OUT						
GENERAL FUND				201,505		204,357
INSERT IN PLACE THEREOF				207,060		209,912
GENERAL FUND				207,060		209,912
TOTAL					5993,861	6000,040
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR						
INSTRUCTION DIVISION						

AMENDMENTS TO	PAGE	60	03/26/83		----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
H80500						
06 EDUCATION				(CONT.)		
03 BOARD OF EDUCATION				(CONT.)		
06 INSTRUCTION DIVISION				(CONT.)		
FEDERAL FUNDS					5786,801	5790,128
GENERAL FUNDS					207,080	209,912
TOTAL					5993,881	6000,040
06 EDUCATION						
03 BOARD OF EDUCATION						
09 POST SECD ADMIN & SUPPORT						
02 FINANCIAL AID OFFICERS						
STRIKE OUT				56,394		56,394
90 PERSONAL SERVICES - PERMANENT						
INSERT IN PLACE THEREOF				75,172		75,172
STRIKE OUT						
90 PERSONAL SERVICES - PERMANENT						
INSERT IN PLACE THEREOF				11,279		11,279
60 BENEFITS						
60 BENEFITS				15,034		15,034
STRIKE OUT						
70 IN-STATE TRAVEL				3,166		3,166
INSERT IN PLACE THEREOF				4,000		4,000
STRIKE OUT						
99 OTHER EXPENDITURES				8,741		8,741
INSERT IN PLACE THEREOF				11,652		11,652
99 OTHER EXPENDITURES						
TOTAL				106,358		106,358
ESTIMATED SOURCE OF FUNDS FOR						
FINANCIAL AID OFFICERS						
STRIKE OUT						
GENERAL FUND				80,080		80,080
INSERT IN PLACE THEREOF				106,358		106,358
GENERAL FUND				106,358		106,358
TOTAL						
TOTAL				352,669		350,103

AMENDMENTS TO	PAGE	61	03/26/83	----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
HB0500					
06 EDUCATION					
03 BOARD OF EDUCATION					
09 POST SECD ADMIN & SUPPORT					
(CONT.,)					
(CONT.,)					
(CONT.,)					
ESTIMATED SOURCE OF FUNDS FOR					
POST SECD ADMIN & SUPPORT					
FEDERAL FUNDS					
GENERAL FUNDS					
TOTAL					
246,311					
106,358					
352,669					
243,745					
106,358					
350,103					
06 EDUCATION					
03 BOARD OF EDUCATION					
10 N H TECHNICAL INSTITUTE CONCORD					
01 DAY SCHOOL					
STRIKE OUT					
10 PERSONAL SERVICES - PERMANENT					
INSERT IN PLACE THEREOF					
10 PERSONAL SERVICES - PERMANENT					
STRIKE OUT					
20 CURRENT EXPENSES					
INSERT IN PLACE THEREOF					
20 CURRENT EXPENSES					
INSERT					
30 EQUIPMENT					
STRIKE OUT					
50 OTHER PERSONAL SERVICES					
INSERT IN PLACE THEREOF					
50 OTHER PERSONAL SERVICES					
STRIKE OUT					
60 BENEFITS					
INSERT IN PLACE THEREOF					
60 BENEFITS					
STRIKE OUT					
80 OUT-OF-STATE TRAVEL					
INSERT IN PLACE THEREOF					
80 OUT-OF-STATE TRAVEL					
STRIKE OUT					
93 PROGRAM DEVELOPMENT					
STRIKE OUT					
96 MAINTENANCE OWN FORCES					
1559,279					
1637,495					
240,296					
259,682					
30,652					
35,000					
313,910					
329,844					
4,000					
1,000					
222,822					
1552,054					
1650,600					
261,692					
261,692					
120,000					
30,652					
35,000					
312,520					
332,528					
4,000					
1,000					
387,904					
6,076					

AMENDMENTS TO	PAGE	62	03/26/83		FISCAL YEAR 1984	FISCAL YEAR 1985
HB0500						
(CONT.)						
(CONT.)						
(CONT.)						
(CONT.)						
06 EDUCATION						
03 BOARD OF EDUCATION						
10 N H TECHNICAL INSTITUTE CONCORD						
01 DAY SCHOOL						
INSERT IN PLACE THEREOF				8,000		8,400
96 MAINTENANCE OWN FORCES						
STRIKE OUT						6,076
97 MAINT PROJECT - CONTRACTS						
INSERT IN PLACE THEREOF				4,000		38,000
97 MAINT PROJECT - CONTRACTS						
STRIKE OUT						245,994
99 INDIRECT COSTS				247,114		
INSERT IN PLACE THEREOF				259,338		261,354
99 INDIRECT COSTS						
TOTAL					2670,959	2851,174
ESTIMATED SOURCE OF FUNDS FOR						
DAY SCHOOL						
INSERT					6,000	6,000
01 OTHER AGENCY FUNDS						
STRIKE OUT						
09 TUITION					929,622	1122,254
INSERT IN PLACE THEREOF						
09 TUITION					960,159	1150,172
STRIKE OUT						
GENERAL FUND					1816,051	1818,314
INSERT IN PLACE THEREOF					1695,800	1886,002
GENERAL FUND					2670,959	2851,174
TOTAL						
06 EDUCATION						
03 BOARD OF EDUCATION						
10 N H TECHNICAL INSTITUTE CONCORD						
02 EMERGENCY HEALTH CARE						
STRIKE OUT						
10 PERSONAL SERVICES - PERMANENT						
INSERT IN PLACE THEREOF						92,939
10 PERSONAL SERVICES - PERMANENT						
INSERT						12,000
20 CURRENT EXPENSES						



AMENDMENTS TO	PAGE	63	03/26/83	----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
HB0500					
(CONT.)					
(CONT.)					
(CONT.)					
(CONT.)					
06 EDUCATION					
03 BOARD OF EDUCATION					
10 N H TECHNICAL INSTITUTE CONCORD					
02 EMERGENCY HEALTH CARE					
INSERT			8,000		
30 EQUIPMENT					
STRIKE OUT			5,000		
50 OTHER PERSONAL SERVICES				5,000	
INSERT IN PLACE THEREOF			5,000		
50 OTHER PERSONAL SERVICES					
STRIKE OUT			12,899		
60 BENEFITS					
INSERT IN PLACE THEREOF			18,701		18,932
60 BENEFITS					
INSERT			1,600		1,600
70 IN-STATE TRAVEL					
INSERT			500		500
80 OUT-OF-STATE TRAVEL					
STRIKE OUT			10,512		
99 INDIRECT COSTS					
INSERT IN PLACE THEREOF			15,008		15,181
99 INDIRECT COSTS					
TOTAL			152,638		146,152
ESTIMATED SOURCE OF FUNDS FOR					
EMERGENCY HEALTH CARE					
STRIKE OUT			20,900		
09 TUITION				56,000	
INSERT IN PLACE THEREOF			48,000		
09 TUITION					
STRIKE OUT			70,330		
GENERAL FUND					
INSERT IN PLACE THEREOF			104,638		90,152
GENERAL FUND			152,638		146,152
TOTAL					
06 EDUCATION					
03 BOARD OF EDUCATION					
10 N H TECHNICAL INSTITUTE CONCORD					
04 N H TECHNICAL DORMITORIES					
01 N H TECH CONCORD WOMENS DPMITORY					
STRIKE OUT			2,000		6,274
20 CURRENT EXPENSES					

AMENDMENTS TO HB0500	PAGE	64	03/26/83	----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
(CONT.)					
(CONT.)					
(CONT.)					
(CONT.)					
(CONT.)					
06 EDUCATION					
03 BOARD OF EDUCATION					
10 N H TECHNICAL INSTITUTE CONCORD					
04 N H TECHNICAL DORMITORIES					
01 N H TECH CONCORD WOMENS DORMITORY					
INSERT IN PLACE THEREOF		9,366		9,362	
20 CURRENT EXPENSES					
STRIKE OUT					
25 HEATING FUEL AND ELECTRICITY		13,934		13,934	
INSERT IN PLACE THEREOF					
23 HEATING FUEL AND ELECTRICITY		31,480		34,488	
INSERT		5,850		3,840	
10 EQUIPMENT					
STRIKE OUT					
90 DEBT SERVICE		53,225		51,650	
INSERT IN PLACE THEREOF					
90 DEBT SERVICE		50,075		48,500	
STRIKE OUT				400	
97 MAINTENANCE - CONTRACT FORCES					
INSERT IN PLACE THEREOF					
97 MAINTENANCE - CONTRACT FORCES		3,750		1,000	
TOTAL		170,568		167,275	
ESTIMATED SOURCE OF FUNDS FOR					
N H TECH CONCORD WOMENS DORMITORY					
STRIKE OUT					
09 DORMITORY ROOM REVENUE		139,206		142,343	
INSERT IN PLACE THEREOF					
09 DORMITORY ROOM REVENUE		170,568		167,275	
TOTAL		170,568		167,275	
06 EDUCATION					
03 BOARD OF EDUCATION					
10 N H TECHNICAL INSTITUTE CONCORD					
04 N H TECHNICAL DORMITORIES					
02 N H TECH CONCORD MENS DORMITORY					
STRIKE OUT					
20 CURRENT EXPENSES		3,465		4,726	
INSERT IN PLACE THEREOF					
20 CURRENT EXPENSES		9,366		9,362	
STRIKE OUT					
23 HEATING FUEL AND ELECTRICITY		16,838		16,838	

AMENDMENTS TO HB0500	PAGE	65	03/26/83	----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
06 EDUCATION 03 BOARD OF EDUCATION 10 N H TECHNICAL INSTITUTE CONCORD 04 N H TECHNICAL DORMITORIES 02 N H TECH CONCORD MENS DORMITORY					
(CONT.) (CONT.) (CONT.) (CONT.)					
INSERT IN PLACE THEREOF			29,625		32,428
23 HEATING FUEL AND ELECTRICITY					
INSERT			6,760		1,000
30 EQUIPMENT					
STRIKE OUT					988
50 OTHER PERSONAL SERVICES					
INSERT IN PLACE THEREOF			2,000		2,000
50 OTHER PERSONAL SERVICES					
STRIKE OUT					6,732
60 BENEFITS			6,730		
INSERT IN PLACE THEREOF					6,802
60 BENEFITS			6,798		
INSERT			3,000		1,600
96 MAINTENANCE OWN FORCES					
INSERT			4,750		3,000
97 MAINTENANCE CONTRACT					
TOTAL			100,937		94,830
ESTIMATED SOURCE OF FUNDS FOR					
N H TECH CONCORD MENS DORMITORY					
STRIKE OUT					
09 DORMITORY ROOM REVENUE			47,196		45,840
INSERT IN PLACE THEREOF			50,869		44,760
09 DORMITORY ROOM REVENUE					
STRIKE OUT			19,463		22,082
GENERAL FUND					
INSERT IN PLACE THEREOF			50,068		50,070
GENERAL FUND			100,937		94,830
TOTAL			271,505		262,105
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
N H TECHNICAL DORMITORIES					
GENERAL FUNDS			50,068		50,070
OTHER FUNDS			221,437		212,035
TOTAL			271,505		262,105
06 EDUCATION 03 BOARD OF EDUCATION 10 N H TECHNICAL INSTITUTE CONCORD 05 FINANCIAL AND FEDERAL AID PROGRAMS 01 BASIC EDUCATIONAL OPPORTUNITY GRANTS					
STRIKE OUT					
90 BASIC EDUC OPPORTUNITY GRANT			200,000		200,000



AMENDMENTS TO	PAGE	67	03/26/83		FISCAL YEAR 1984	FISCAL YEAR 1985
06 EDUCATION						
03 BOARD OF EDUCATION				(CONT.)		
10 N TECHNICAL INSTITUTE CONCORD				(CONT.)		
05 FINANCIAL AND FEDERAL AID PROGRAMS				(CONT.)		
ESTIMATED SOURCE OF FUNDS FOR						
FINANCIAL AND FEDERAL AID PROGRAMS						
FINANCIAL FUNDS					296,525	296,525
GENERAL FUNDS					17,175	22,475
TOTAL					313,700	319,000
TOTAL					4059,538	4247,693
ESTIMATED SOURCE OF FUNDS FOR						
N H TECHNICAL INSTITUTE CONCORD						
FINANCIAL FUNDS					296,525	296,525
GENERAL FUNDS					1867,681	1848,699
OTHER FUNDS					1895,332	2102,469
TOTAL					4059,538	4247,693
06 EDUCATION						
03 BOARD OF EDUCATION						
11 N H VOC & TECH COLLEGE BERLIN						
01 DAY SCHOOL						
STRIKE OUT						
10 PERSONAL SERVICES - PERMANENT					672,449	
INSERT IN PLACE THEREOF						
10 PERSONAL SERVICES - PERMANENT					788,123	
STRIKE OUT						
20 CURRENT EXPENSES					85,000	
INSERT IN PLACE THEREOF						
20 CURRENT EXPENSES					86,800	
STRIKE OUT						
21 FOOD					54,000	
INSERT IN PLACE THEREOF						
21 FOOD					55,000	
STRIKE OUT						
23 HEATING FUEL AND ELECTRICITY					106,000	
INSERT IN PLACE THEREOF						
23 HEATING FUEL AND ELECTRICITY					96,600	
STRIKE OUT						
30 EQUIPMENT					13,826	



AMENDMENTS TO	PAGE	68	03/26/83	----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
HB0500					
06. EDUCATION					
03 BOARD OF EDUCATION					
(CONT.)					
11 N H VOC & TECH COLLEGE BERLIN					
(CONT.)					
01 DAY SCHOOL					
INSERT IN PLACE THEREOF					
30 EQUIPMENT			2,000		55,000
STRIKE OUT					
60 BENEFITS			134,725		136,093
INSERT IN PLACE THEREOF					
60 BENEFITS			157,860		159,228
STRIKE OUT					
92 MAINTENANCE AGREEMENTS			6,000		2,514
INSERT IN PLACE THEREOF					
92 MAINTENANCE AGREEMENTS			6,000		6,000
STRIKE OUT					
96 MAINTENANCE-OWN FORCES			2,500		2,500
INSERT IN PLACE THEREOF					
96 MAINTENANCE-OWN FORCES			1,500		1,500
STRIKE OUT					
97 MAINTENANCE-CONTRACT FORCES			2,500		2,500
INSERT IN PLACE THEREOF					
97 MAINTENANCE-CONTRACT FORCES			5,000		47,000
STRIKE OUT					
99 INDIRECT COSTS			114,361		115,494
INSERT IN PLACE THEREOF					
99 INDIRECT COSTS			123,937		125,771
TOTAL				1440,927	1625,560
ESTIMATED SOURCE OF FUNDS FOR					
DAY SCHOOL					
STRIKE OUT					
GENERAL FUND				761,883	761,100
INSERT IN PLACE THEREOF					
GENERAL FUND				899,942	1005,572
TOTAL				1440,927	1625,560

INSERT AFTER SOURCE OF FUNDS  
 N. H. VOCATIONAL TECHNICAL COLLEGE AT BERLIN,  
 NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW,  
 FOR THE BIENNIIUM ENDING JUNE 30, 1985, INCOME

AMENDMENTS TO		FISCAL YEAR 1984		FISCAL YEAR 1985	
	PAGE				
HB0500	69	03/26/83			
(CONT.) (CONT.) (CONT.) (CONT.)					
06 EDUCATION					
03 BOARD OF EDUCATION					
11 N H VOC & TECH COLLEGE BERLIN					
01 DAY SCHOOL					
FROM THE TWITCHELL PROPERTY IS HEREBY APPROPRIATED AND SHALL BE USED TO MAINTAIN, REPAIR AND IMPROVE THE BUILDINGS AND GROUNDS, INCLUDING ADDITIONS TO THE BUILDINGS AND FOR THE NATURAL RESOURCES EDUCATION PROGRAM. SAID SUMS SHALL NOT LAPSE NOR BE TRANSFERRED TO ANY OTHER STATE FUND.					
06 EDUCATION					
03 BOARD OF EDUCATION					
11 N H VOC & TECH COLLEGE BERLIN					
03 FINANCIAL AID FEDERAL AID PROGRAMS					
01 BASIC EDUCATIONAL OPPORTUNITY GRANTS					
STRIKE OUT					
95 AUDIT				8,750	
INSERT IN PLACE THEREOF				15,636	
95 AUDIT/COLLECTIONS					
TOTAL			178,400		190,636
ESTIMATED SOURCE OF FUNDS FOR					
BASIC EDUCATIONAL OPPORTUNITY GRANTS					
STRIKE OUT					
GENERAL FUND					8,750
INSERT IN PLACE THEREOF					15,636
GENERAL FUND					190,636
TOTAL					
06 EDUCATION					
03 BOARD OF EDUCATION					
11 N H VOC & TECH COLLEGE BERLIN					
03 FINANCIAL AID FEDERAL AID PROGRAMS					
02 SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS					
STRIKE OUT					
95 AUDIT				686	
TOTAL			13,725		13,725

AMENDMENTS TO	PAGE	70	03/26/83	----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
06 EDUCATION					
03 BOARD OF EDUCATION					
11 N H VOC & TECH COLLEGE BERLIN					
03 FINANCIAL AND FEDERAL AID PROGRAMS					
02 SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS					
ESTIMATED SOURCE OF FUNDS FOR					
SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS					
STRIKE OUT					
GENERAL FUND					
TOTAL				13,725	686 13,725
06 EDUCATION					
03 BOARD OF EDUCATION					
11 N H VOC & TECH COLLEGE BERLIN					
03 FINANCIAL AND FEDERAL AID PROGRAMS					
03 COLLEGE WORK STUDY					
STRIKE OUT					
95 AUDIT				1,900	
TOTAL				38,000	38,000
ESTIMATED SOURCE OF FUNDS FOR					
COLLEGE WORK STUDY					
STRIKE OUT					
GENERAL FUND				6,838	8,738
INSERT IN PLACE THEREOF				6,838	6,838
GENERAL FUND				38,000	38,000
TOTAL					
06 EDUCATION					
03 BOARD OF EDUCATION					
11 N H VOC & TECH COLLEGE BERLIN					
03 FINANCIAL AND FEDERAL AID PROGRAMS					
04 NATIONAL DIRECT STUDENT LOAN					
STRIKE OUT					
95 AUDIT				500	
TOTAL				10,000	10,000
ESTIMATED SOURCE OF FUNDS FOR					
NATIONAL DIRECT STUDENT LOAN					
STRIKE OUT					
GENERAL FUND				1,000	1,500

AMENDMENTS TO	PAGE	71	03/26/83	----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
06 EDUCATION					
03 BOARD OF EDUCATION					
11 N H VOC & TECH COLLEGE BERLIN					
03 FINANCIAL AND FEDERAL AID PROGRAMS					
04 NATIONAL DIRECT STUDENT LOAN					
INSERT IN PLACE THEREOF					
GENERAL FUND					
TOTAL					
06 EDUCATION					
03 BOARD OF EDUCATION					
11 N H VOC & TECH COLLEGE BERLIN					
03 FINANCIAL AND FEDERAL AID PROGRAMS					
04 NATIONAL DIRECT STUDENT LOAN					
INSERT IN PLACE THEREOF					
GENERAL FUND					
TOTAL					
06 EDUCATION					
03 BOARD OF EDUCATION					
11 N H VOC & TECH COLLEGE CLAREMONT					
01 DAY SCHOOL					
STRIKE OUT					
10 PERSONAL SERVICES - PERMANENT					
INSERT IN PLACE THEREOF					
STRIKE OUT					
20 CURRENT EXPENSES					
INSERT IN PLACE THEREOF					
STRIKE OUT					
23 HEATING FUEL AND ELECTRICITY					
INSERT IN PLACE THEREOF					
23 HEATING FUEL AND ELECTRICITY					

(CONT.)  
(CONT.)  
(CONT.)  
(CONT.)

1,000  
10,000  
257,361

231,887  
23,474  
2,000  
257,361

2034,955

231,887  
1029,046  
774,022  
2034,955

893,885  
913,289  
88,110  
80,300  
60,500  
55,000

887,071  
905,449  
80,300  
80,300  
55,000  
55,000

1826,227  
231,887  
911,180  
683,160  
1826,227

1,000  
10,000  
245,125

231,887  
11,238  
2,000  
245,125

1826,227

231,887  
911,180  
683,160  
1826,227

893,885  
913,289  
88,110  
80,300  
60,500  
55,000

887,071  
905,449  
80,300  
80,300  
55,000  
55,000

AMENDMENTS TO	PAGE	72	03/26/83			FISCAL YEAR 1984		FISCAL YEAR 1985
H80500								
06 EDUCATION								
03 BOARD OF EDUCATION				(CONT.)				
12 N H VOC & TECH COLLEGE CLAREMONT				(CONT.)				
01 DAY SCHOOL				(CONT.)				
STRIKE OUT								
90 EQUIPMENT				27,000			69,225	
INSERT IN PLACE THEREOF				2,000			55,000	
STRIKE OUT								
60 BENEFITS				179,205			180,616	
INSERT IN PLACE THEREOF				182,881			184,497	
STRIKE OUT								
92 MAINTENANCE AGREEMENTS				6,000			7,000	
INSERT IN PLACE THEREOF				6,000			6,000	
STRIKE OUT								
93 PROGRAM DEVELOPMENT				99,885			173,888	
INSERT				800				
96 MAINTENANCE OWN FORCES								
STRIKE OUT								
97 MAINTENANCE-CONTRACT				5,000			20,000	
INSERT IN PLACE THEREOF								
97 MAINTENANCE-CONTRACT				5,000			9,100	
STRIKE OUT								
99 INDIRECT COSTS				141,638			142,695	
INSERT IN PLACE THEREOF				144,487			145,703	
STRIKE OUT								
99 INDIRECT COSTS								
TOTAL					1420,492		1487,464	
ESTIMATED SOURCE OF FUNDS FOR								
DAY SCHOOL								
STRIKE OUT								
GENERAL FUND					1048,363		1129,181	
INSERT IN PLACE THEREOF					949,181		942,151	
GENERAL FUND					1420,492		1487,464	
TOTAL								
06 EDUCATION								
03 BOARD OF EDUCATION								
12 N H VOC & TECH COLLEGE CLAREMONT								
04 FINANCIAL AND FEDERAL AID PROGRAMS								
01 BASIC EDUCATIONAL OPPORTUNITY GRANTS								
STRIKE OUT								
95 AUDIT							3,000	



AMENDMENTS TO	PAGE	73 03/26/83	----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
<p>06 EDUCATION  03 BOARD OF EDUCATION  12 N H VOC &amp; TECH COLLEGE CLAREMONT  04 FINANCIAL AND FEDERAL AID PROGRAMS  01 BASIC EDUCATIONAL OPPORTUNITY GRANTS</p>				
<p>INSERT IN PLACE THEREOF  95 AUDIT/COLLECTIONS</p>				
TOTAL			1,500	6,350
<p>ESTIMATED SOURCE OF FUNDS FOR  BASIC EDUCATIONAL OPPORTUNITY GRANTS</p>				
STRIKE OUT			69,484	63,453
GENERAL FUND				3,000
INSERT IN PLACE THEREOF			1,500	6,350
GENERAL FUND			69,484	63,453
TOTAL				
<p>06 EDUCATION  03 BOARD OF EDUCATION  12 N H VOC &amp; TECH COLLEGE CLAREMONT  04 FINANCIAL AND FEDERAL AID PROGRAMS</p>				
<p>02 SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS</p>				
STRIKE OUT				300
95 AUDIT				
TOTAL			6,000	6,000
<p>ESTIMATED SOURCE OF FUNDS FOR  SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS</p>				
STRIKE OUT				300
GENERAL FUND			6,000	6,000
TOTAL				
<p>06 EDUCATION  03 BOARD OF EDUCATION  12 N H VOC &amp; TECH COLLEGE CLAREMONT  04 FINANCIAL AND FEDERAL AID PROGRAMS  03 COLLEGE WORK STUDY</p>				
STRIKE OUT				500
95 AUDIT				
TOTAL			10,000	10,000

((CONT.))  
((CONT.))  
((CONT.))  
((CONT.))

AMENDMENTS TO	PAGE	74	03/26/83	----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
HS0500					
<p>06 EDUCATION (CONT.)</p> <p>03 BOARD OF EDUCATION (CONT.)</p> <p>12 N H VOC &amp; TECH COLLEGE CLAREMONT (CONT.)</p> <p>04 FINANCIAL AND FEDERAL AID PROGRAMS (CONT.)</p> <p>03 COLLEGE WORK STUDY (CONT.)</p>					
ESTIMATED SOURCE OF FUNDS FOR					
COLLEGE WORK STUDY					
STRIKE OUT					
GENERAL FUND				1,920	2,420
INSERT IN PLACE THEREOF					
GENERAL FUND				1,920	1,920
TOTAL				10,000	10,000
06 EDUCATION					
03 BOARD OF EDUCATION					
12 N H VOC & TECH COLLEGE CLAREMONT					
04 FINANCIAL AND FEDERAL AID PROGRAMS					
04 NATIONAL DIRECT STUDENT LOANS					
STRIKE OUT					
95 AUDIT				750	
TOTAL				15,000	15,000
ESTIMATED SOURCE OF FUNDS FOR					
NATIONAL DIRECT STUDENT LOANS					
STRIKE OUT					
GENERAL FUND				1,500	2,250
INSERT IN PLACE THEREOF					
GENERAL FUND				1,500	1,500
TOTAL				15,000	15,000
TOTAL				104,484	98,453
ESTIMATED SOURCE OF FUNDS FOR					
FINANCIAL AND FEDERAL AID PROGRAMS					
FEDERAL FUNDS				99,564	88,683
GENERAL FUNDS				4,920	9,770
TOTAL				104,484	98,453
TOTAL				1621,250	1682,293
ESTIMATED SOURCE OF FUNDS FOR					
N H VOC & TECH COLLEGE CLAREMONT					
FEDERAL FUNDS				99,564	88,683

AMENDMENTS TO	PAGE	75	03/26/83		----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
(CONT.) (CONT.) (CONT.)						
06 EDUCATION						
03 BOARD OF EDUCATION						
12 N H VOC & TECH COLLEGE CLAREMONT						
GENERAL FUNDS					954,101	951,921
OTHER FUNDS					567,585	641,689
TOTAL					1621,250	1682,293
06 EDUCATION						
03 BOARD OF EDUCATION						
13 N H VOC & TECH COLLEGE LACONIA						
01 DAY SCHOOL						
STRIKE OUT				528,011		529,250
INSERT IN PLACE THEREOF						
STRIKE OUT				565,179		566,646
STRIKE OUT						
20 CURRENT EXPENSES				95,805		99,675
INSERT IN PLACE THEREOF						
STRIKE OUT				100,000		110,000
STRIKE OUT						
23 HEATING FUEL AND ELECTRICITY				65,000		67,000
INSERT IN PLACE THEREOF						
STRIKE OUT				68,000		70,000
STRIKE OUT						
30 EQUIPMENT				2,000		2,000
INSERT IN PLACE THEREOF						
STRIKE OUT				2,000		38,000
STRIKE OUT						
60 BENEFITS				107,009		107,776
INSERT IN PLACE THEREOF						
STRIKE OUT				114,443		115,255
STRIKE OUT						
80 OUT-OF-STATE TRAVEL				300		300
INSERT IN PLACE THEREOF						
80 OUT-OF-STATE TRAVEL				500		500
STRIKE OUT						
93 PROGRAM DEVELOPMENT				69,151		120,384
INSERT						
96 MAINTENANCE-DOWN FORCES				2,500		4,000

AMENDMENTS TO	PAGE	76	03/26/83	----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
-30503-					
(CONT.)					
06 EDUCATION					
03 BOARD OF EDUCATION					
13 N. H. VOC & TECH COLLEGE LACONIA					
01 DAY SCHOOL					
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AMENDMENTS TO	PAGE	77	03/26/83	----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
(CONT.) (CONT.) (CONT.) (CONT.)					
06 EDUCATION					
03 BOARD OF EDUCATION					
13 N H VOC & TECH COLLEGE LACONIA					
03 FINANCIAL AND FEDERAL AID PROGRAMS					
02 SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS					
TOTAL			15,100		14,100
ESTIMATED SOURCE OF FUNDS FOR					
SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS					
STRIKE OUT					700
GENERAL FUND					14,100
TOTAL			15,100		
06 EDUCATION					
03 BOARD OF EDUCATION					
13 N H VOC & TECH COLLEGE LACONIA					
03 FINANCIAL AND FEDERAL AID PROGRAMS					
03 COLLEGE WORK STUDY					
STRIKE OUT				500	
95 AUDIT					
TOTAL			11,000		11,000
ESTIMATED SOURCE OF FUNDS FOR					
COLLEGE WORK STUDY					
STRIKE OUT					2,600
GENERAL FUND			2,100		
INSERT IN PLACE THEREOF					2,100
GENERAL FUND					11,000
TOTAL			11,000		
06 EDUCATION					
03 BOARD OF EDUCATION					
13 N H VOC & TECH COLLEGE LACONIA					
03 FINANCIAL AND FEDERAL AID PROGRAMS					
04 NATIONAL DIRECT STUDENT LOANS					
STRIKE OUT				700	
95 AUDIT					
TOTAL			15,300		15,300
ESTIMATED SOURCE OF FUNDS FOR					
NATIONAL DIRECT STUDENT LOANS					



AMENDMENTS TO HB0500	PAGE	78	03/26/83	----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
06 EDUCATION					
03 BOARD OF EDUCATION					
13 N H VOC & TECH COLLEGE LACONIA					
03 FINANCIAL AND FEDERAL AID PROGRAMS					
04 NATIONAL DIRECT STUDENT LOANS					
STRIKE OUT					
GENERAL FUND					
INSERT IN PLACE THEREOF					
TOTAL					
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
FINANCIAL AND FEDERAL AID PROGRAMS					
FEDERAL FUNDS					
GENERAL FUNDS					
TOTAL					
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
N H VOC & TECH COLLEGE LACONIA					
FEDERAL FUNDS					
GENERAL FUNDS					
OTHER FUNDS					
TOTAL					
06 EDUCATION					
03 BOARD OF EDUCATION					
14 N H VOC & TECH COLLEGE MANCHESTER					
01 DAY SCHOOL					
STRIKE OUT					
10 PERSONAL SERVICES - PERMANENT					
INSERT IN PLACE THEREOF					
10 PERSONAL SERVICES - PERMANENT					
INSERT					
30 EQUIPMENT					
STRIKE OUT					
50 OTHER PERSONAL SERVICES					
INSERT IN PLACE THEREOF					
50 OTHER PERSONAL SERVICES					

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2,230  
1,530  
15,300  
110,000  
99,470  
10,530  
110,000

1339,518  
99,470  
680,317  
559,731  
1339,518

1263,786  
100,370  
668,258  
495,158  
1263,786

793,693  
930,365  
64,000  
24,573  
20,000

792,568  
889,862  
2,000  
23,573  
20,000

AMENDMENTS TO	PAGE	79	03/26/83	----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
06 EDUCATION 03 BOARD OF EDUCATION 14 N H VOC & TECH COLLEGE MANCHESTER 01 DAY SCHOOL					
(CONT.)					
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STRIKE OUT 60 BENEFITS INSERT IN PLACE THEREOF 60 BENEFITS STRIKE OUT 70 IN-STATE TRAVEL INSERT IN PLACE THEREOF 70 IN-STATE TRAVEL STRIKE OUT 03 PROGRAM DEVELOPMENT INSERT 96 MAINTENANCE OWN FORCES INSERT 97 MAINTENANCE -- CONTRACT STRIKE OUT 99 INDIRECT COSTS INSERT IN PLACE THEREOF 99 INDIRECT COSTS					
TOTAL				1511,432	1687,687
ESTIMATED SOURCE OF FUNDS FOR					
DAY SCHOOL					
STRIKE OUT					
GENERAL FUND					
INSERT IN PLACE THEREOF					
GENERAL FUND					
TOTAL				937,028	898,455
				956,479	988,847
				1511,432	1687,687
06 EDUCATION					
03 BOARD OF EDUCATION					
14 N H VOC & TECH COLLEGE MANCHESTER					
03 FINANCIAL AND FEDERAL AID PROGRAMS					
01 BASIC EDUCATIONAL OPPORTUNITY GRANTS					
STRIKE OUT					
95 AUDIT					
INSERT IN PLACE THEREOF					
95 AUDIT/COLLECTIONS					
				2,000	6,500
					12,575

AMENDMENTS TO	PAGE	80	03/26/83		----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
(CONT.) (CONT.) (CONT.) (CONT.) (CONT.)						
O6 EDUCATION						
O3 BOARD OF EDUCATION						
14 N H VOC & TECH COLLEGE MANCHESTER						
O3 FINANCIAL AND FEDERAL AID PROGRAMS						
O1 BASIC EDUCATIONAL OPPORTUNITY GRANTS						
TOTAL				132,000		142,575
ESTIMATED SOURCE OF FUNDS FOR						
BASIC EDUCATIONAL OPPORTUNITY GRANTS						
STRIKE OUT						6,500
GENERAL FUND						
INSERT IN PLACE THEREOF				2,000		12,575
GENERAL FUND				132,000		142,575
TOTAL						
O6 EDUCATION						
O3 BOARD OF EDUCATION						
14 N H VOC & TECH COLLEGE MANCHESTER						
O3 FINANCIAL AND FEDERAL AID PROGRAMS						
O2 SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS						
STRIKE OUT					475	
95 AUDIT						
TOTAL				9,880		9,880
ESTIMATED SOURCE OF FUNDS FOR						
SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS						
STRIKE OUT						475
GENERAL FUND				9,880		9,880
TOTAL						
O6 EDUCATION						
O3 BOARD OF EDUCATION						
14 N H VOC & TECH COLLEGE MANCHESTER						
O3 FINANCIAL AND FEDERAL AID PROGRAMS						
O3 COLLEGE WORK STUDY						
STRIKE OUT					900	
95 AUDIT						
TOTAL				18,720		18,720
ESTIMATED SOURCE OF FUNDS FOR						
COLLEGE WORK STUDY						

AMENDMENTS TO	PAGE	81	03/26/83	----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
W80500					
(CONT.)					
06 EDUCATION					
03 BOARD OF EDUCATION					
16 N H VOC & TECH COLLEGE MANCHESTER					
(CONT.)					
03 FINANCIAL AND FEDERAL AID PROGRAMS					
(CONT.)					
03 COLLEGE WORK STUDY					
STRIKE OUT					
GENERAL FUND					
INSERT IN PLACE THEREOF					
GENERAL FUND					
TOTAL					
			3,600	4,500	
06 EDUCATION					
03 BOARD OF EDUCATION					
16 N H VOC & TECH COLLEGE MANCHESTER					
03 FINANCIAL AND FEDERAL AID PROGRAMS					
04 NATIONAL DIRECT STUDENT LOANS					
STRIKE OUT					
GENERAL FUND					
INSERT IN PLACE THEREOF					
GENERAL FUND					
TOTAL					
			4,412	4,412	
TOTAL					
			4,412	6,612	
ESTIMATED SOURCE OF FUNDS FOR					
NATIONAL DIRECT STUDENT LOANS					
STRIKE OUT					
GENERAL FUND					
INSERT IN PLACE THEREOF					
GENERAL FUND					
TOTAL					
			4,412	4,412	
TOTAL					
			208,722	219,297	
ESTIMATED SOURCE OF FUNDS FOR					
FINANCIAL AND FEDERAL AID PROGRAMS					
FEDERAL FUNDS					
GENERAL FUNDS					
TOTAL					
			198,710	198,710	
TOTAL					
			10,012	20,587	
ESTIMATED SOURCE OF FUNDS FOR					
N H VOC & TECH COLLEGE MANCHESTER					
FEDERAL FUNDS					
GENERAL FUNDS					
OTHER FUNDS					
TOTAL					
			208,722	219,297	
TOTAL					
			2265,190	2466,592	
ESTIMATED SOURCE OF FUNDS FOR					
N H VOC & TECH COLLEGE MANCHESTER					
FEDERAL FUNDS					
GENERAL FUNDS					
OTHER FUNDS					
TOTAL					
			198,710	198,710	
TOTAL					
			966,491	1009,434	
ESTIMATED SOURCE OF FUNDS FOR					
N H VOC & TECH COLLEGE MANCHESTER					
FEDERAL FUNDS					
GENERAL FUNDS					
OTHER FUNDS					
TOTAL					
			1099,989	1258,448	
TOTAL					

AMENDMENTS TO	PAGE	82	03/26/83	----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
H90500					
(CONT.)					
(CONT.)					
(CONT.)					
06 EDUCATION					
03 BOARD OF EDUCATION					
14 N H VOC & TECH COLLEGE MANCHESTER					
TOTAL				2265,190	2466,592
06 EDUCATION					
03 BOARD OF EDUCATION					
15 N H VOC & TECH COLLEGE NASHUA					
01 DAY SCHOOL					
STRIKE OUT					
10 PERSONAL SERVICES - PERMANENT				620,261	624,981
INSERT IN PLACE THEREOF				702,000	708,706
STRIKE OUT				100,465	96,917
20 CURRENT EXPENSES				100,465	100,465
INSERT IN PLACE THEREOF				60,400	67,648
STRIKE OUT				60,400	60,400
20 CURRENT EXPENSES				2,000	45,000
INSERT IN PLACE THEREOF				126,062	127,060
STRIKE OUT				142,531	143,805
80 OUT-OF-STATE TRAVEL				250	250
INSERT IN PLACE THEREOF				500	500
STRIKE OUT				12,000	12,000
80 OUT-OF-STATE TRAVEL				84,518	147,136
INSERT				5,000	500
92 MAINTENANCE AGREEMENTS					12,000
STRIKE OUT					
93 PROGRAM DEVELOPMENT					
INSERT					
96 MAINTENANCE OWN FORCES					
INSERT					
97 MAINTENANCE - CONTRACT					



AMENDMENTS TO	PAGE	83	03/26/83	-----	FISCAL YEAR 1984	-----	FISCAL YEAR 1985	-----
HB0500								
06 EDUCATION								
03 BOARD OF EDUCATION								
15 N H VOC & TECH COLLEGE NASHUA								
01 DAY SCHOOL								
STRIKE OUT								
99 INDIRECT COSTS								
INSERT IN PLACE THEREOF								
99 INDIRECT COSTS								
TOTAL								
ESTIMATED SOURCE OF FUNDS FOR								
DAY SCHOOL								
STRIKE OUT								
08 MISCELLANEOUS								
INSERT IN PLACE THEREOF								
08 MISCELLANEOUS								
STRIKE OUT								
GENERAL FUND								
INSERT IN PLACE THEREOF								
GENERAL FUND								
TOTAL								
06 EDUCATION								
03 BOARD OF EDUCATION								
15 N H VOC & TECH COLLEGE NASHUA								
02 EVENING AND SUMMER SCHOOL								
STRIKE OUT								
50 OTHER PERSONAL SERVICES								
INSERT IN PLACE THEREOF								
50 OTHER PERSONAL SERVICES								
STRIKE OUT								
60 BENEFITS								
INSERT IN PLACE THEREOF								
60 BENEFITS								
TOTAL								
ESTIMATED SOURCE OF FUNDS FOR								
EVENING AND SUMMER SCHOOL								
STRIKE OUT								
07 AGENCY INCOME								

(CONT.)  
(CONT.)  
(CONT.)  
(CONT.)

100,791	101,522	
113,554	114,499	
1172,056		1230,875
1,000		5,000
3,000		5,000
665,729		683,072
710,038		695,433
1172,056		1230,875
214,491	210,630	
214,491	260,630	
27,262	27,614	
27,262	31,054	
461,029		523,743
461,029		470,303

AMENDMENTS TO	PAGE	84	03/26/83	----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
HBD500					
06 EDUCATION					
03 BOARD OF EDUCATION					
15 N H VOC & TECH COLLEGE NASHUA					
02 EVENING AND SUMMER SCHOOL					
(CONT.)					
(CONT.)					
(CONT.)					
INSERT IN PLACE THEREOF					
07 AGENCY INCOME					
TOTAL					
06 EDUCATION					
03 BOARD OF EDUCATION					
15 N H VOC & TECH COLLEGE NASHUA					
03 FINANCIAL AND FEDERAL AID PROGRAMS					
01 BASIC EDUCATIONAL OPPORTUNITY GRANTS					
STRIKE OUT					
95 AUDIT					
INSERT IN PLACE THEREOF					
95 AUDIT/COLLECTIONS					
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
BASIC EDUCATIONAL OPPORTUNITY GRANTS					
STRIKE OUT					
GENERAL FUND					
INSERT IN PLACE THEREOF					
GENERAL FUND					
TOTAL					
06 EDUCATION					
03 BOARD OF EDUCATION					
15 N H VOC & TECH COLLEGE NASHUA					
03 FINANCIAL AND FEDERAL AID PROGRAMS					
02 SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS					
STRIKE OUT					
95 AUDIT					
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS					
STRIKE OUT					
GENERAL FUND					
GENERAL FUND					

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523,743  
523,743

461,329  
461,029

1,600  
4,500

109,703

1,600  
4,500  
109,703

1,100  
114,910

600

10,000

600

AMENDMENTS TO	PAGE	85	03/26/83	----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
<div style="text-align: right;">(CONT.)</div> <div style="text-align: right;">(CONT.)</div> <div style="text-align: right;">(CONT.)</div> <div style="text-align: right;">(CONT.)</div> <div style="text-align: right;">(CONT.)</div>					
06 EDUCATION					
03 BOARD OF EDUCATION					
15 N - VOC & TECH COLLEGE NASHUA					
03 FINANCIAL AND FEDERAL AID PROGRAMS					
02 SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS					
TOTAL			10,000		10,000
06 EDUCATION					
03 BOARD OF EDUCATION					
15 N - VOC & TECH COLLEGE NASHUA					
03 FINANCIAL AND FEDERAL AID PROGRAMS					
03 COLLEGE WORK STUDY					
STRIKE OUT					
95 AUDIT				500	
TOTAL			15,000		20,000
ESTIMATED SOURCE OF FUNDS FOR					
COLLEGE WORK STUDY					
STRIKE OUT					
GENERAL FUND			2,860		4,300
INSERT IN PLACE THEREOF					
GENERAL FUND			2,860		3,800
TOTAL			15,000		20,000
06 EDUCATION					
03 BOARD OF EDUCATION					
15 N - VOC & TECH COLLEGE NASHUA					
03 FINANCIAL AND FEDERAL AID PROGRAMS					
04 NATIONAL DIRECT STUDENT LOANS					
STRIKE OUT					
95 AUDIT				500	
TOTAL			10,000		15,000
ESTIMATED SOURCE OF FUNDS FOR					
NATIONAL DIRECT STUDENT LOANS					
STRIKE OUT					
GENERAL FUND			1,000		2,000
INSERT IN PLACE THEREOF					
GENERAL FUND			1,000		1,500
TOTAL			10,000		15,000

AMENDMENTS TO	PAGE	86	03/26/83	----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
D6 EDUCATION					
03 BOARD OF EDUCATION					
16 N H VOC & TECH COLLEGE NASHUA					
03 FINANCIAL AND FEDERAL AID PROGRAMS					
04 NATIONAL DIRECT STUDENT LOANS					
(CONT.)					
(CONT.)					
(CONT.)					
(CONT.)					
TOTAL			153,910	158,703	
ESTIMATED SOURCE OF FUNDS FOR					
FINANCIAL AND FEDERAL AID PROGRAMS					
GENERAL FUNDS			148,950	148,903	
GENERAL FUNDS			4,960	9,800	
TOTAL			153,910	158,703	
TOTAL			1786,995		1913,321
ESTIMATED SOURCE OF FUNDS FOR					
N H VOC & TECH COLLEGE NASHUA					
FEDERAL FUNDS			148,950	148,903	
GENERAL FUNDS			714,998	705,233	
OTHER FUNDS			923,047	1059,185	
TOTAL			1786,995		1913,321
D6 EDUCATION					
03 BOARD OF EDUCATION					
16 N H VOC & TECH COLLEGE PORTSMOUTH					
D1 DAY SCHOOL					
STRIKE OUT			475,486	482,771	
10 PERSONAL SERVICES - PERMANENT					
INSERT IN PLACE THEREOF			545,562	554,440	
STRIKE OUT					
20 CURRENT EXPENSES			75,231	74,960	
INSERT IN PLACE THEREOF			95,000	95,000	
STRIKE OUT					
23 HEATING FUEL AND ELECTRICITY			118,050	119,036	
INSERT IN PLACE THEREOF			105,024	105,024	
STRIKE OUT					
23 HEATING FUEL AND ELECTRICITY			581	4,953	
INSERT IN PLACE THEREOF			32,920	34,135	
STRIKE OUT					
50 OTHER PERSONAL SERVICES					

AMENDMENTS TO	PAGE	87	03/26/83	----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
((CONT.))					
((CONT.))					
((CONT.))					
((CONT.))					
06 EDUCATION					
03 BOARD OF EDUCATION					
16 N H VOC & TECH COLLEGE PORTSMOUTH					
01 DAY SCHOOL					
INSERT IN PLACE THEREOF					
50 OTHER PERSONAL SERVICES					
STRIKE OUT					
60 BENEFITS					
INSERT IN PLACE THEREOF					
40 BENEFITS					
STRIKE OUT					
80 OUT-OF-STATE TRAVEL					
INSERT IN PLACE THEREOF					
80 OUT-OF-STATE TRAVEL					
STRIKE OUT					
93 PROGRAM DEVELOPMENT					
INSERT					
96 MAINTENANCE OWN FORCES					
STRIKE OUT					
99 INDIRECT COSTS					
INSERT IN PLACE THEREOF					
99 INDIRECT COSTS					
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
DAY SCHOOL					
STRIKE OUT					
GENERAL FUND					
INSERT IN PLACE THEREOF					
GENERAL FUND					
TOTAL					
06 EDUCATION					
03 BOARD OF EDUCATION					
16 N H VOC & TECH COLLEGE PORTSMOUTH					
02 EVENINGS AND SUMMER SCHOOL					
STRIKE OUT					
50 OTHER PERSONAL SERVICES					
INSERT IN PLACE THEREOF					
50 OTHER PERSONAL SERVICES					
				181,794	187,248
				231,794	247,248
				983,040	999,831
				654,135	666,610
				671,105	630,971
				983,040	999,831
				89,813	89,813
				1,000	1,000
				80,120	80,120
				500	500
				284	293
				76,835	133,760
				500	500
				97,303	98,902
				25,000	25,000
				110,787	112,608
				98,902	98,902
				25,000	25,000

AMENDMENTS TO	PAGE	88	03/26/83	----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
06 EDUCATION					
03 BOARD OF EDUCATION					
16 N H VOC & TECH COLLEGE PORTSMOUTH					
02 EVENINGS AND SUMMER SCHOOL					
(CONT.)					
(CONT.)					
(CONT.)					
STRIKE OUT					
00 BENEFITS				27,985	
INSERT IN PLACE THEREOF			27,116		
00 BENEFITS			30,466		
STRIKE OUT				32,113	
00 INDIRECT COSTS			40,779		
INSERT IN PLACE THEREOF				41,778	
99 INDIRECT COSTS			48,529		
TOTAL				51,078	
ESTIMATED SOURCE OF FUNDS FOR			463,416		485,616
EVENINGS AND SUMMER SCHOOL					
STRIKE OUT					
07 AGENCY INCOME			402,316		412,188
INSERT IN PLACE THEREOF			463,416		485,616
07 AGENCY INCOME			463,416		485,616
TOTAL					
06 EDUCATION					
03 BOARD OF EDUCATION					
16 N H VOC & TECH COLLEGE PORTSMOUTH					
03 FINANCIAL AND FEDERAL AID PROGRAMS					
01 BASIC EDUCATIONAL OPPORTUNITY GRANTS					
STRIKE OUT					
95 AUDIT				2,875	
INSERT IN PLACE THEREOF			1,200		
95 AUDIT/COLLECTIONS				5,625	
TOTAL					70,614
ESTIMATED SOURCE OF FUNDS FOR			68,970		
BASIC EDUCATIONAL OPPORTUNITY GRANTS					
STRIKE OUT					
GENERAL FUND					2,875
INSERT IN PLACE THEREOF			1,200		5,625
GENERAL FUND			68,970		70,614
TOTAL					



AMENDMENTS TO	PAGE	89	03/26/83	----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
(CONT.)					
(CONT.)					
(CONT.)					
(CONT.)					
(CONT.)					
06 EDUCATION					
03 BOARD OF EDUCATION					
16 N H VOC & TECH COLLEGE PORTSMOUTH					
03 FINANCIAL AND FEDERAL AID PROGRAMS					
01 BASIC EDUCATIONAL OPPORTUNITY GRANTS					
06 EDUCATION					
03 BOARD OF EDUCATION					
16 N H VOC & TECH COLLEGE PORTSMOUTH					
03 FINANCIAL AND FEDERAL AID PROGRAMS					
02 SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS					
STRIKE OUT					
95 AUDIT					
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
SUPPLEMENTAL EDUCATIONAL OPPORTUNITY GRANTS					
STRIKE OUT					
GENERAL FUND					
TOTAL					
06 EDUCATION					
03 BOARD OF EDUCATION					
16 N H VOC & TECH COLLEGE PORTSMOUTH					
03 FINANCIAL AND FEDERAL AID PROGRAMS					
03 COLLEGE WORK STUDY					
STRIKE OUT					
95 AUDIT					
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
COLLEGE WORK STUDY					
STRIKE OUT					
GENERAL FUND					
INSERT IN PLACE THEREOF					
GENERAL FUND					
TOTAL					
06 EDUCATION					
03 BOARD OF EDUCATION					
16 N H VOC & TECH COLLEGE PORTSMOUTH					
03 FINANCIAL AND FEDERAL AID PROGRAMS					
04 NATIONAL DIRECT STUDENT LOAN					
STRIKE OUT					
95 AUDIT					

AMENDMENTS TO	PAGE	90	03/26/83			FISCAL YEAR 1984		FISCAL YEAR 1985
HB0500								
06 EDUCATION				(CONT.)				
03 BOARD OF EDUCATION				(CONT.)				
16 N H VOC & TECH COLLEGE PORTSMOUTH				(CONT.)				
03 FINANCIAL AND FEDERAL AID PROGRAMS				(CONT.)				
04 NATIONAL DIRECT STUDENT LOAN				(CONT.)				
TOTAL					10,500			10,710
ESTIMATED SOURCE OF FUNDS FOR								
NATIONAL DIRECT STUDENT LOAN								
STRIKE OUT					1,050			1,326
GENERAL FUND					1,050			1,071
INSERT IN PLACE THEREOF					10,500			10,710
TOTAL					111,990			114,513
TOTAL								
ESTIMATED SOURCE OF FUNDS FOR								
FINANCIAL AND FEDERAL AID PROGRAMS								
FEDERAL FUNDS					106,178			104,184
GENERAL FUNDS					5,812			10,329
TOTAL					111,990			114,513
TOTAL					1558,446			1599,960
ESTIMATED SOURCE OF FUNDS FOR								
N H VOC & TECH COLLEGE PORTSMOUTH								
FEDERAL FUNDS					105,178			104,184
GENERAL FUNDS					675,917			641,300
OTHER FUNDS					775,351			854,476
TOTAL					1558,446			1599,960
06 EDUCATION								
03 BOARD OF EDUCATION								
17 ADMINISTRATIVE DIVISION								
01 PROGRAM SCVS ADMINISTRATIVE								
INSERT								
92 DATA PROCESSING SERVICES								
STRIKE OUT					62,512			47,761
93 DATA PROCESSING SERVICES					15,000			17,000
TOTAL					293,092			266,754

AMENDMENTS TO	PAGE	91	03/26/83	----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
06 EDUCATION					
03 BOARD OF EDUCATION					
17 ADMINISTRATIVE DIVISION					
01 PROGRAM SCVS ADMINISTRATIVE					
ESTIMATED SOURCE OF FUNDS FOR					
PROGRAM SCVS ADMINISTRATIVE					
STRIKE OUT					
GENERAL FUND			245,580		235,993
INSERT IN PLACE THEREOF			293,092		266,754
GENERAL FUND			293,092		266,754
TOTAL					
06 EDUCATION					
03 BOARD OF EDUCATION					
17 ADMINISTRATIVE DIVISION					
04 TEACHER CERTIFICATION					
STRIKE OUT			88,674		88,874
10 PERSONAL SERVICES - PERMANENT					
INSERT IN PLACE THEREOF			112,659		113,059
10 PERSONAL SERVICES - PERMANENT					
STRIKE OUT			17,746		17,786
60 BENEFITS					
INSERT IN PLACE THEREOF			22,543		22,623
60 BENEFITS					
STRIKE OUT			500		500
70 IN-STATE TRAVEL					
INSERT IN PLACE THEREOF			1,000		1,000
70 IN-STATE TRAVEL					
STRIKE OUT			3,000		4,600
90 PROFESSIONAL STANDARDS					
INSERT IN PLACE THEREOF			9,000		9,000
90 PROFESSIONAL STANDARDS					
STRIKE OUT			16,000		16,000
94 DATA PROCESSING SERVICES					
STRIKE OUT			13,858		13,889
99 INDIRECT COSTS					
INSERT IN PLACE THEREOF			17,462		17,524
99 INDIRECT COSTS					
TOTAL			179,211		180,204

(CONT.)  
(CONT.)  
(CONT.)  
(CONT.)



AMENDMENTS TO	PAGE	93	03/26/83	----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
(CONT.)					
06 EDUCATION					
03 BOARD OF EDUCATION					
18 VOC TECHNICAL DIVISION					
(CONT.)					
(CONT.)					
FEDERAL FUNDS				2706,262	2697,407
GENERAL FUNDS				1339,691	1343,187
TOTAL				4045,953	4040,594
06 EDUCATION					
03 BOARD OF EDUCATION					
19 SCHOOL NUTRITION					
03 SCHOOL NUTRITION SECTION IV					
ESTIMATED SOURCE OF FUNDS FOR					
SCHOOL NUTRITION SECTION IV					
STRIKE OUT					
FEDERAL FUNDS				2468,486	2467,541
INSERT IN PLACE THEREOF				2492,486	2467,541
FEDERAL FUNDS					
STRIKE OUT				824,000	824,009
GENERAL FUND				800,000	824,009
INSERT IN PLACE THEREOF				3292,486	3291,550
GENERAL FUND					
TOTAL				13045,738	13570,260
TOTAL					
ESTIMATED SOURCE OF FUNDS FOR					
SCHOOL NUTRITION					
FEDERAL FUNDS				12215,210	12715,517
GENERAL FUNDS				830,528	854,743
TOTAL				13045,738	13570,260
06 EDUCATION					
03 BOARD OF EDUCATION					
21 VOCATIONAL REHABILITATION					
01 PROGRAM ADMINISTRATION					
STRIKE OUT					
93 DATA PROCESSING SERVICES				21,472	23,000

AMENDMENTS TO	PAGE	94	03/26/83		----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
HB0500						
(CONT.)						
06 EDUCATION						
03 BOARD OF EDUCATION						
21 VOCATIONAL REHABILITATION						
01 PROGRAM ADMINISTRATION						
(CONT.)						
INSERT						
95 DATA PROCESSING SERVICES	A	21,472			23,000	
TOTAL			374,799			359,810
				4459,221		4568,047
TOTAL						
ESTIMATED SOURCE OF FUNDS FOR						
VOCATIONAL REHABILITATION						
FEDERAL FUNDS						
GENERAL FUNDS						
OTHER FUNDS						
TOTAL				3317,368		3385,163
				1033,020		1049,164
				108,833		133,720
				4459,221		4568,047
TOTAL						
06 EDUCATION						
03 BOARD OF EDUCATION						
22 VOC REHAB - SOCIAL SECURITY PROGRAMS						
02 TRUST FUND PROGRAM						
STRIKE OUT						
90 REHABILITATION SERVICES						
INSERT IN PLACE THEREOF						
90 REHABILITATION SERVICES						
				125,829		125,829
				125,829		125,829
INSERT						
* NOTWITHSTANDING ANY OTHER PROVISION OF LAW, FOR						
THE BIENNIMUM ENDING JUNE 30, 1985, ANY RECOVERY						
MADE FROM AN INDIVIDUAL OR PRIVATE OR PUBLIC						
AGENCY PURSUANT TO THE STATE BOARD OF EDUCATION						
POLICY RELATIVE TO CLIENT PARTICIPATION IN THE						
PURCHASE OF REHABILITATIVE SERVICES AND/OR DEVICE						
SHALL BE AVAILABLE FOR FURTHER EXPENDITURE IN						
THE ACCOUNT FROM WHICH THE EXPENDITURE WAS						
ORIGINALLY MADE.						
TOTAL				125,829		125,829



AMENDMENTS TO	PAGE	95	03/26/83	----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
(CONT.) (CONT.) (CONT.) (CONT.)					
06 EDUCATION 03 BOARD OF EDUCATION 22 VOC REHAB - SOCIAL SECURITY PROGRAMS 02 TRUST FUND PROGRAM					
TOTAL			2095,322		2271,772
ESTIMATED SOURCE OF FUNDS FOR					
VOC REHAB - SOCIAL SECURITY PROGRAMS					
FEDERAL FUNDS					
TOTAL			2095,322		2271,772
			2095,322		2271,772
06 EDUCATION					
03 BOARD OF EDUCATION					
23 VOC REHAB - EDUCATION PROGRAMS					
01 EDUCATION PROGRAMS					
02 SPECIAL EDUCATION - TITLE VI FEDERAL					
INSERT					
94 DATA PROCESSING SERVICES		A	5,000		5,000
TOTAL			4258,727		4,359,245
ESTIMATED SOURCE OF FUNDS FOR					
SPECIAL EDUCATION - TITLE VI FEDERAL					
STRIKE OUT					
FEDERAL FUNDS			4253,727		4,354,245
INSERT IN PLACE THEREOF			4258,727		4,359,245
FEDERAL FUNDS			4258,727		4,359,245
TOTAL			14,092,307		14,200,732
TOTAL			14,092,307		14,200,732
ESTIMATED SOURCE OF FUNDS FOR					
EDUCATION PROGRAMS					
FEDERAL FUNDS			4258,727		4,359,245
GENERAL FUNDS			9833,580		9841,487
TOTAL			14,092,307		14,200,732
TOTAL			14,092,307		14,200,732
ESTIMATED SOURCE OF FUNDS FOR					
VOC REHAB - EDUCATION PROGRAMS					
FEDERAL FUNDS			4258,727		4,359,245
GENERAL FUNDS			9833,580		9841,487
TOTAL			14,092,307		14,200,732

AMENDMENTS TO	PAGE	96	03/26/83		FISCAL YEAR 1984		FISCAL YEAR 1985
HB0500							
<p>(CONT.)</p> <p>06 EDUCATION</p> <p>03 BOARD OF EDUCATION</p> <p>23 VOC REHAB - EDUCATION PROGRAMS</p> <p>(CONT.)</p>							
TOTAL					14092,307		14200,732
<p>06 EDUCATION</p> <p>03 BOARD OF EDUCATION</p> <p>24 N.H. DISTRIBUTING AGENCY</p> <p>02 SURPLUS PROPERTY</p>							
<p>INSERT AFTER SOURCE OF FUNDS</p> <p>NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW, FOR THE BIENNium ENDING JUNE 30, 1985, THE NEW HAMPSHIRE DISTRIBUTING AGENCY IS HEREBY AUTHOR- IZED TO UTILIZE SO MUCH AS MAY BE NECESSARY OF THE BALANCE ACCUMULATED AT JUNE 30, OR ANY SURPLUS ACCUMULATING DURING THE BIENNium TO EFFICIENTLY OPERATE WITHOUT THE USE OF ANY OTHER STATE FUNDS SUBJECT TO THE APPROVAL OF THE LEGISLATIVE FISCAL COMMITTEE AND THE GOVERNOR AND COUNCIL.</p>							
TOTAL					74669,566		76481,124
<p>ESTIMATED SOURCE OF FUNDS FOR</p> <p>BOARD OF EDUCATION</p> <p>FEDERAL FUNDS</p> <p>GENERAL FUNDS</p> <p>OTHER FUNDS</p>							
TOTAL					34641,992		35468,521
					2795,311		2795,311
					1228,502		1337,292
					74669,566		76481,124
<p>06 EDUCATION</p> <p>06 N.H. SWEETSTAKES COMMISSION</p> <p>01 SWEETSTAKES COMMISSION</p> <p>01 ADMINISTRATION</p>							
STRIKE OUT							
95 DATA PROCESSING SERVICES						150,000	150,000

AMENDMENTS TO		PAGE	97	03/26/83	----- FISCAL YEAR 1984 -----		----- FISCAL YEAR 1985 -----	
(CONT.) (CONT.) (CONT.) (CONT.)								
06 EDUCATION 06 N.H. SWEEPSTAKES COMMISSION 01 SWEEPSTAKES COMMISSION 01 ADMINISTRATION								
INSERT IN PLACE THEREOF 95 DATA PROCESSING SERVICES								
TOTAL			120,000		130,000			
ESTIMATED SOURCE OF FUNDS FOR			1436,843		1458,775			
STRIKE OUT								
09 SWEEPSTAKES REV SPECIAL ACCT			1466,843		1478,775			
INSERT IN PLACE THEREOF			1436,843		1458,775			
09 SWEEPSTAKES REV SPECIAL ACCT			1436,843		1458,775			
TOTAL								
TOTAL			1860,939		1892,024			
ESTIMATED SOURCE OF FUNDS FOR								
SWEEPSTAKES COMMISSION			1860,939		1892,024			
OTHER FUNDS			1860,939		1892,024			
TOTAL								
TOTAL			1860,939		1892,024			
ESTIMATED SOURCE OF FUNDS FOR								
N.H. SWEEPSTAKES COMMISSION			1860,939		1892,024			
OTHER FUNDS			1860,939		1892,024			
TOTAL								
06 EDUCATION								
07 HIGHER EDUCATION FUND								
01 UNIV OF N H DURHAM								
ESTIMATED SOURCE OF FUNDS FOR UNIV OF N H DURHAM								
STRIKE OUT			39404,098		40502,413			
09 OTHER FUNDS								
INSERT IN PLACE THEREOF			36254,098		40502,413			
09 OTHER FUNDS			18401,918		18933,975			
STRIKE OUT								
GENERAL FUND								

AMENDMENTS TO	PAGE	98	03/26/83		----- FISCAL YEAR 1984 -----	----- FISCAL YEAR 1985 -----
				(CONT.)		
06 EDUCATION				(CONT.)		
07 HIGHER EDUCATION FUND				(CONT.)		
01 UNIV OF N H DURHAM				(CONT.)		
					21551,918	18953,975
INSERT IN PLACE THEREOF					95399,857	98200,261
GENERAL FUND						
TOTAL						
06 EDUCATION						
07 HIGHER EDUCATION FUND						
02 KEENE STATE COLLEGE						
ESTIMATED SOURCE OF FUNDS FOR						
KEENE STATE COLLEGE						
STRIKE OUT					8456,617	8664,457
09 OTHER FUNDS						
INSERT IN PLACE THEREOF					7831,117	8664,457
09 OTHER FUNDS						
STRIKE OUT					3638,021	3747,161
GENERAL FUND						
INSERT IN PLACE THEREOF					4263,521	3747,161
GENERAL FUND					18853,650	19436,571
TOTAL						
06 EDUCATION						
07 HIGHER EDUCATION FUND						
03 PLYMOUTH STATE COLLEGE						
ESTIMATED SOURCE OF FUNDS FOR						
PLYMOUTH STATE COLLEGE						
STRIKE OUT					7921,681	8112,445
09 OTHER FUNDS						
INSERT IN PLACE THEREOF					7314,181	8112,445
09 OTHER FUNDS						
STRIKE OUT					3535,548	3641,614
GENERAL FUND						
INSERT IN PLACE THEREOF					4143,048	3641,614
GENERAL FUND						

(CONT.)  
(CONT.)  
(CONT.)

06 EDUCATION  
07 HIGHER EDUCATION FUND  
03 PLYMOUTH STATE COLLEGE

17820,062

17291,268

TOTAL

06 EDUCATION  
07 HIGHER EDUCATION FUND  
04 MERRIMACK VALLEY COLLEGE

ESTIMATED SOURCE OF FUNDS FOR  
MERRIMACK VALLEY COLLEGE

STRIKE OUT  
09 OTHER FUNDS 738,550 754,922  
INSERT IN PLACE THEREOF  
09 OTHER FUNDS 671,050 754,922  
STRIKE OUT  
GENERAL FUND 377,179 388,513  
INSERT IN PLACE THEREOF  
GENERAL FUND 444,679 388,513  
TOTAL 1277,143 1311,647

06 EDUCATION  
07 HIGHER EDUCATION FUND  
05 SCHOOL OF LIFELONG LEARNING

ESTIMATED SOURCE OF FUNDS FOR  
SCHOOL OF LIFELONG LEARNING

STRIKE OUT  
09 OTHER FUNDS 1704,993 1739,338  
INSERT IN PLACE THEREOF  
09 OTHER FUNDS 1655,493 1739,338  
STRIKE OUT  
GENERAL FUND 279,862 288,257  
INSERT IN PLACE THEREOF  
GENERAL FUND 329,362 268,257  
TOTAL 2084,855 2127,595

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06. EDUCATION  
07. HIGHER EDUCATION FUND  
05. SCHOOL OF LIFELONG LEARNING

(CONT.)  
(CONT.)  
(CONT.)

TOTAL	147099,351	151173,107
ESTIMATED SOURCE OF FUNDS FOR		
HIGHER EDUCATION FUND		
FEDERAL FUNDS	50,000	50,000
GENERAL FUNDS	39473,655	35784,829
OTHER FUNDS	107575,696	115338,278
TOTAL	147099,351	151173,107
TOTAL	228322,308	234354,561
ESTIMATED SOURCE OF FUNDS FOR		
EDUCATION		
FEDERAL FUNDS	35254,505	36077,054
GENERAL FUNDS	69246,113	65758,718
OTHER FUNDS	123821,690	132518,789
TOTAL	228322,308	234354,561

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STATE SUMMARY

TOTAL	943425,094	975249,594
ESTIMATED SOURCE OF FUNDS FOR		
FEDERAL FUNDS		
GENERAL FUNDS	264496,458	279917,924
HIGHWAY FUNDS	358738,117	360777,466
FISH AND GAME	102711,956	104712,541
OTHER FUNDS	3395,444	3440,653
	215863,119	226400,810



## Amendment to HB 500

Amend section 1 of the bill by inserting after 1.07 the following:

1.08 Budget Footnotes; General.

A. Centralized Data Processing.

I. Notwithstanding any other provision of law, the department of centralized data processing shall, prior to performing data processing services for any department, board, commission, institution or other agency enter into a written agreement specifying in detail the services to be performed and the cost to the agency. Said agreement shall be binding on the department of centralized data processing and the other agency. Any change or modification in the services to be performed shall likewise be agreed to in writing and shall specify the change and the adjustment to the cost. Any dispute relative to such agreements shall be resolved by the attorney general. The provisions of this paragraph shall apply to operations and systems development services only. The provisions of this paragraph shall not permit any state department, board, commission, institution or other agency to contract for data processing services without the approval of the data processing commission.

II. Notwithstanding any other provision of law, the department of centralized data processing is hereby authorized to make expenditures in excess of the amounts appropriated by section 1 of this act to the extent that other agency income received by the department including but not limited to income from governmental and political subdivisions exceeds the anticipated other agency income in section 1 of this act.

## Amendment to HB 500

III. This appropriation shall not be transferred or expended for any other purpose an any expenditures shall have the prior approval of the director of centralized data processing. Before the final closing of accounts by the comptroller he shall record all outstanding liabilities due to and from each state department for the purpose of establishing a final user assessment or rebate which shall also include all planning and support charges. Such computed assessment shall be recorded and collected within 30 days of the billing date or shall be carried as an accounts receivable. Any uncollectible accounts receivable shall be reported to the legislature by the director of accounts for appropriate adjustment no later than January 15, 1985.

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 Legislative Intent; Line Item Budget. It is hereby declared to be the the intent of the general court that the so-called line item budget control, including also the provisions of the salary adjustment and benefit adjustment accounts as was in effect prior to July 1, 1981, be and is hereby reinstated. (Source. GB 2; HA 2)

3 Budget Format. Amend RSA 9:8-a (supp) as inserted by 1973, 3/6:76 as amended by striking out said section and inserting in place thereof the following:

9:8-a Program Appropriation Unit Format. All budgets provided for by this subdivision shall be in program appropriation unit format as first employed by the 1973 general court. For expository purposes, the budget may be presented as a summarized 3 class line document consisting of personnel services, operating expenses, and other expenses; provided, however, that the final budget as passed and the warrants issued by the

## Amendment to HB 500

comptroller shall be classified into the following classes as appropriate: personnel services, current expense, equipment, other personnel services, benefits, travel in-state, travel out-of-state, and other expenditures. (Source. GB 2; HA 3)

4 General Fund and Total Appropriation Limits. The amount included in PAU's 06, 04 (extension work in counties), 06, 05 (New Hampshire network), and 06, 07 (higher education fund) under estimated source of funds from general fund shall be the total appropriation from general funds for such PAU's that may be expended for the purpose of section 1 of this act. Any funds received by any of said agencies from any other source than general funds in excess of the estimate of funds from other than general funds are hereby appropriated for the use of the agency and may be expended by it whether or not this will result in an appropriation and expenditure by the agency in excess of the total appropriation therefor. (Source. GB 3; HA 4)

5 Suspension of Millage Formula. For the fiscal years ending June 30, 1984, and 1985, the millage formula provided by RSA 187-A:7 is hereby suspended; and the sums hereby appropriated shall be the total appropriations for the university of New Hampshire, Plymouth state college, Keene state college and Merrimack Valley college and shall be in lieu of the requirements for appropriation under RSA 187-A:7. Out-of-state tuition shall be set annually by the board of trustees at a figure which reflects actual cost of per capita operating costs, including instructional expenses, overhead and bond retirement (excluding self-liquidating bonds) as determined by the costs in the fiscal year just preceding the first of

## Amendment to HB 500

January for the fiscal year in which the tuition is to be charged. (Source, GB 4; HA 5)

6 Fish and Game Department.

I. Any funds in excess of the estimated federal grants shall be available for such further expenditures as the governor and council shall approve. In the event appropriated state funds for any class of expenditure which is to be used to qualify for any federal funds is not so used and thereby the amount of federal funds available is decreased, said state appropriation for such classes shall be reduced in proportion to the amount the federal funds have been decreased; and the total appropriation shall be reduced by the sum of the decrease in federal funds and the appropriate reduction in the state appropriation.

II. The comptroller, in a form acceptable to him, shall require the executive director of the fish and game department to prepare a listing of all claims against available federal funds allocated to the fish and game department as of June 30, 1983, to be submitted to the comptroller no later than July 10, 1983. All claims listed shall be reviewed by the department of administration and control and compared to the records maintained at the fish and game department to insure that all direct and applicable indirect federal participating expenditures through June 30, 1983, have been included. All federal project records shall be completely up to date at all times and billings for federal reimbursements shall be made on a timely basis. A federal project status report, as prescribed by the comptroller, shall be submitted quarterly -- on October 10, January 10, April 10 -- to the department of administration and control for review. The comptroller

## Amendment to HB 500

shall report his findings and recommendations as to the status of the federal funds and related appropriations to the fiscal committee of the general court within 40 days after the close of each quarter.

III. Prior to closing the state accounts for each fiscal year, the comptroller shall adjust for federal revenue in the fish and game fund. All unrecorded prior year reimbursements from federal funds shall be deposited into the fish and game fund. (Source. GB 5; HA 6)

7 Permanent Disability; Retirement of Justice. A sum sufficient to pay any and all benefits or compensation pursuant to RSA 490:2 and RSA 491:2 is hereby appropriated for the biennium ending June 30, 1985. The governor is authorized to draw his warrant for the payment thereof out of any money in the treasury not otherwise appropriated. (Source. GB 6; HA 7)

8 Appropriation of Unrestricted Motor Vehicle Revenue. Notwithstanding any other provision of law to the contrary, all sums received by the division of motor vehicles or the division of state police, department of safety, from any source, which are not derived from registration fees, operators' licenses, gasoline road tolls or any other special charges or taxes with respect to the operation of motor vehicles or the sale or consumption of motor vehicle fuels, including revenue received from fines and forfeitures assessed against any violator of any law of the state or of any political subdivision thereof relative to the use and operation of motor vehicles, whether the violator is apprehended or prosecuted by an employee of the state or any political subdivision thereof, shall, for the biennium ending June 30, 1985, be paid to the state treasurer and shall be

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available for expenditure as unrestricted general fund revenues of the state. (Source. GB 7; HA 8)

9 Distribution of Racing Funds. Notwithstanding the provisions of RSA 284:2 and RSA 284:23, all revenue restricted for the purpose of making payments to the agricultural fairs shall be deposited with and by the state treasurer as unrestricted revenue. For the fiscal years ending June 30, 1984, and 1985, the distribution formula for payments to agricultural fairs provided by RSA 284:23, 284:25, and 284:25-a is hereby suspended. (Source. GB 8; HA 9)

10 Out-of-state Trips. For the fiscal years ending June 30, 1984, and 1985, the provisions of RSA 9:25 are hereby suspended. (Source. GB 9; HA 10)

11 Emergency Appropriation for Motor Vehicle Replacement.

I. It is hereby declared to be the intent of the general court that the appropriations made by section 1 of this act shall be sufficient to meet the requirements of each department, institution, commission or other agency for motor vehicles of a gross vehicle weight of 3 tons or less or replacements thereof. In the event, however, that any department, institution, board, commission, or other agency, after consultation with the director of purchase and property and the fiscal committee, finds that the cost of repair to any such motor vehicle is prohibitive and that it would cause an extreme hardship for said department, institution, board, commission, or other agency to operate without such motor vehicle, the chief executive of said department, institution, board, commission, or other agency shall request the governor with the approval of the council for authority to expend the sums needed for a replacement vehicle. For the



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purposes of this section, each replacement vehicle shall be a subcompact front wheel drive vehicle unless the fiscal committee determines upon application of the department, institution, board, commission, or other agency that there is a clear and convincing need to replace such a vehicle with some other type of vehicle. There is hereby appropriated for said purpose the sum of \$275,000 for each year of the biennium ending June 30, 1985. The sums appropriated shall not be transferred or expended for any other purpose. The governor is authorized to draw his warrants for said sums, which shall be a charge against the general fund.

II. In addition to the sums appropriated for said purpose in paragraph I, for the biennium ending June 30, 1985, the governor is authorized to draw his warrants for any authorized replacement requested by a highway fund agency, which shall be a charge against the highway fund. There is hereby appropriated for said purpose for the biennium ending June 30, 1985, to the department of safety and to the department of public works and highways, \$250,000 for each year of the biennium. The governor is authorized to draw his warrants for authorized replacement vehicles within the limitations of this paragraph requested by a highway fund agency, which shall be a charge against the highway fund. The sums appropriated shall not be transferred or expended for any other purpose.

III. For the fiscal years ending June 30, 1984, and June 30, 1985, the governor is authorized to draw his warrants for any authorized replacement requested by a special fund agency, which shall be a charge against the appropriate fund.

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IV. The provisions of this section requiring each replacement vehicle to be a compact or subcompact vehicle shall not apply to the department of safety law enforcement traffic control vehicles.

(Source. GB 10; HA 11)

12 Park Vending Facilities. RSA 186-B:9-15 shall not apply to facilities at Franconia Notch state park, Mount Sunapee state park and Mount Washington during the fiscal biennium ending June 30, 1985. This section shall not affect any contracts for vending services at such places in effect on the effective date of this section, but such contracts shall expire at their end and shall not be renewed. Vending facilities at the above locations may be operated by the department of resources and economic development in accordance with RSA 8:25, VI, or the department of resources and economic development may contract for the operation of said facilities with the blind services or any other party to insure maximum benefits and revenues to the state of New Hampshire. (Source. GB 11; HA 12)

13 Tuition at Technical Institute and Voc-tech Colleges. Notwithstanding the provisions of RSA 188-A:8, the tuition to be charged at the technical institute shall be \$1200 for in-state students and \$3400 for out-of-state students for the school year ending June 30, 1984, and \$1400 for in-state students and \$3400 for out-of-state students for the school year ending June 30, 1985. The tuition to be charged at the vocational technical colleges shall be \$1200 for in-state students and \$3200 for out-of-state students for the school year ending June 30, 1984, and \$1400 for in-state students and \$3200 for out-of-state students for the school year ending June 30, 1985. (Source. GB 12; HA 13)

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## 14 Eligibility for Aid.

I. Notwithstanding the provisions of any other law, during the biennium ending June 30, 1985, in addition to the requirements of RSA 167:6, I, no person shall be eligible to receive old age assistance while receiving aid to the needy blind, aid to the permanently and totally disabled or aid to families with dependent children.

II. Notwithstanding the provisions of RSA 167:6, V, during the biennium ending June 30, 1985, for purposes of RSA 167, a person shall be eligible for aid to families with dependent children who is a needy child as defined by the director of welfare, within the latitude prescribed in federal regulations, who has been deprived of parental support or care by reason of death, continued absence from the home, or physical or mental incapacity of a parent, who is living with his father, mother, grandfather, grandmother, brother, sister, stepfather, stepmother, stepbrother, stepsister, first cousin, nephew or niece, uncle or aunt in a place of residence in the state maintained by one or more of such relatives as his or their home. For purposes of this section, a child shall be eligible who meets the above requirements except for his removal after April 30, 1961, from the home of a relative as defined herein as a result of a judicial determination and whose placement in a foster home and care are the responsibility of the division of welfare or another public agency which meets federal requirements and the state plan, who received aid to families with dependent children in the month in which court proceedings were initiated. No person shall be eligible to receive such aid while receiving

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old age assistance, aid to needy blind, or aid to permanently and totally disabled.

III. Notwithstanding the provision of RSA 167:6, VII, for the biennium ending June 30, 1985, for the purpose of RSA 167, a person shall be eligible for medical assistance who is a resident of the state and is a recipient of categorical assistance, or who is otherwise eligible, as defined by the director of welfare, subject to the latitude prescribed in federal regulations, to receive such categorical assistance but does not. (Source. GB 13; HA 14)

15 Repeal. 1982, 42:213, relative to suspending class 50 employees benefits is hereby repealed. (Source. GB 14; HA 15)

16 Reimbursements for Assistance Payments. Notwithstanding any other provision of law, for the biennium ending June 30, 1985, the share which a county or town must reimburse the state for assistance payments for old age assistance and aid to the permanently and totally disabled recipients for which such county or town is liable shall be 50 percent. (Source. GB 15; HA 16)

17 Assignment of Office Space. Notwithstanding any other provision of law, if during the biennium ending June 30, 1985, because of program reductions, consolidations, or any other reason, office space becomes available in the health and welfare complex, the Hayes building, or any other state building, except office space under the control of the legislature pursuant to RSA 14:14-b, the comptroller shall, with the prior approval of the fiscal committee, and with the approval of the governor and council, require that any agency renting private space be required to

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occupy such available space in said building or buildings forthwith. Such funds as have been allotted or committed by any agency affected by this section for outside rental shall be transferred by the comptroller to the division of buildings and grounds, PAU 01,04,03 for the maintenance of state buildings. (Source. GB 19; HA 17)

18 Bond Issue Authorized. To provide funds for the purpose of construction and reconstruction of highways, the state treasurer is hereby authorized to borrow upon the credit of the state in a sum not exceeding \$7,000,000 for the biennium ending June 30, 1985, and for that purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6 A. The interest and principal due on bonds or notes issued under this section shall be a charge on the highway fund. The moneys provided in this section shall be a continuing appropriation and shall not lapse. (Source. GB 23; HA 18)

19 Special Meetings Authorized. Notwithstanding any other provision of law, during the fiscal biennium ending June 30, 1985, each town, school district, village district or other political subdivision is hereby authorized to hold a special meeting or meetings in order to adjust their budgets as a result of the institution of federal block grants or other federal legislation requiring local budget adjustments. (Source. GB 24; HA 19)

20 Distribution of the Bank Tax Revised. Amend RSA 84:16-e (supp) as inserted by 1961, 249:1 as amended by striking out said section and inserting in place thereof the following:

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84:16-e Distribution. A portion of such taxes collected from institutions which are subject to the examination and supervision of the bank commissioner as provided in RSA 383:9 shall be retained in the state treasury and applied against the cost of such examination and supervision, the amount so retained to be set at the fiscal year 1981 level of such retention and application. (Source. HA 20)

21 Attorney General; Special Provision. Other provisions of law notwithstanding, for the biennium ending June 30, 1985, filing fees received by the attorney general pursuant to RSA 7:28-a shall be deposited with the state treasurer as restricted revenue and any excess of such revenue over the amounts appropriated for the division of charitable trusts shall lapse to the unappropriated surplus of the general fund. Notwithstanding any law to the contrary, expenditures from this fund shall not be made except by appropriation by the general court. (Source. GB 32; HA 21)

22 Repeal. 1982, 42:186, relative to notification of fiscal committee relative to transfers authorized, is hereby repealed. (Source. GB 34; HA 22)

23 Treasury Distribution Adjustments To Cities and Towns.

I. Notwithstanding other provisions of law, including RSA 6:10, the payments made under the provisions of RSA 31-A:5, II on March 15, 1983, and June 15, 1983, by the state treasurer to the cities and towns that have adopted a fiscal year ending in June shall be upon the warrant of the governor but shall not be charged against the 1983 fiscal year appropriation. These amounts shall be charged against the amount appropriated for the 1984 fiscal year.



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II. Notwithstanding other provisions of law, including RSA 6:10, the payments made under the provisions of RSA 31-A:5, II on June 15, 1984, by the state treasurer to the cities and towns that have adopted a fiscal year ending in June, shall be upon the warrant of the governor but shall not be a charge against the 1984 fiscal year appropriation. These amounts shall be charged against the amounts appropriated for the 1985 fiscal year.

III. Other provisions of law, including RSA 6:10, notwithstanding, the payments made under the provisions of RSA 31-A:5, II by the state treasurer to the cities and towns as the final payment for the year 1982 shall be upon the warrant of the governor, and only \$7,338,058.03 shall be a charge against the 1983 fiscal year appropriation. The balance of \$1,231,444.35 shall be charged against the amounts appropriated for the 1984 fiscal year.

IV. When the state treasurer makes payment on June 15, 1983, to the 14 cities and towns that have at this time adopted a fiscal year ending in June, he shall reduce these payments by the amount required under the provisions of executive order No. 83-1, which totals \$537,992.30.

V. When the state treasurer makes payment under the provisions of RSA 31-A:5, II on September 15, 1983, to the cities and towns for the year 1983, he shall reduce these payments by the amount required under the provisions of executive order No. 83-1, which totals \$1,231,444.35. Source, GB 36; HA 23)

24 Distributions. Amend RSA 31-A:5, II (supp) as inserted by 1970, 5:16 as amended by striking out said paragraph and inserting in place the following:

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II.(a) If a city or town has adopted a fiscal year ending in June, the state treasurer in the year 1983 shall make payments in installments as follows: 1/4 on March 15; 1/4 on June 15; and 1/2 on December 15. There is hereby appropriated for such fiscal year a sum sufficient to make the payments provided for by this section. The governor is authorized to draw his warrant for the sums appropriated by this section out of any money in the treasury not otherwise appropriated.

(b) If a city or town adopted a fiscal year ending in June, the state treasurer in the year 1984 shall make payments in installments as follows: 1/4 on June 15; 1/4 on September 15; and 1/2 on December 15. There is hereby appropriated for such fiscal year a sum sufficient to make the payments provided for by this section. The governor is authorized to draw his warrant for the sums appropriated by this section out of any money in the treasury not otherwise appropriated.

(c) If a city or town has adopted a fiscal year ending in June, the state treasurer, starting with the year 1985 and each year thereafter, shall make payments in installments as follows: 1/2 on September 15; and 1/2 on December 15. There is hereby appropriated for each fiscal year a sum sufficient to make the payments provided for by this section. The governor is authorized to draw his warrant for the sums appropriated by this section out of any money in the treasury not otherwise appropriated. (Source. GB 36; HA 24)

25 Department of Education, Postsecondary Education.

I. Notwithstanding any other provision of law, for the biennium ending June 30, 1985, the New Hampshire technical institute and vocational-technical colleges are hereby authorized to:

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(a) Accept and expend any recovery made of the matching share of the work study program in order to earn additional federal funds.

(b) Receive for disbursement, with the prior approval of the fiscal committee and with the approval of governor and council, any actual excess over the estimate of income received from students enrolled in evening and summer school classes, the handicapped program or the emergency health care program which shall be used for the administration and operation of the program from which the excess arose.

(c) Receive for disbursement:

(1) Any federal financial or other aid made available by the federal government as authorized by RSA 188-A:9; and

(2) Any actual excess over the estimate in the income of cafeteria and day school tuition; provided, however, that such institution may disburse any such category excess, with the prior approval of the fiscal committee and with the approval of the governor and council, only in connection with those services from which the excess arose, except the day school tuition, which shall be used in connection with current operating expenses.

II. Notwithstanding any other provisions of law, revenue received in excess of the legislative estimates for tuition in the aggregate for the New Hampshire technical institute and the vocational-technical colleges shall not lapse but shall be carried over to the following year for the purpose of enhancing the operation of the several institutions in an amount not to exceed \$300,000 per year. Funds may, with the prior approval of the fiscal committee and with the approval of the governor and council, be

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transferred into any line item in any of the institutions so named. (Source. GB 39; HA 25)

26 Highways Block Grant Aid Program; Repeals. The following are hereby repealed:

- I. RSA 228:42, relative to a biennial report.
- II. RSA 235:22, relative to highway aid.
- III. RSA 235:24, relative to contribution by town.
- IV. RSA 235:26, relative to application for aid.
- V. RSA 235:27, relative to review of applications.
- VI. RSA 235:28, relative to joint fund expenditure.
- VII. RSA 235:29, relative to expenditures for town highways.
- VIII. RSA 235:30, relative to exceptions.
- IX. RSA 235:31, relative to unobligated funds.
- X. RSA 235:32, relative to a maintenance allotment by the state.
- XI. RSA 235:33, relative to rights not affected.
- XII. RSA 235:35, relative to a highway subsidy to towns and cities.
- XIII. RSA 235:36, relative to an additional highway subsidy. (Source.

GB 41; HA 26)

27 Highways; Eligibility. Amend RSA 231:4 as inserted by 1981, 87:1 by striking out said section and inserting in place thereof the following:

231:4 Village Districts Not Eligible for Road Funds. Notwithstanding the provisions of RSA 231:1 and any other statutes to the contrary, village districts shall not be eligible to receive funds pursuant to RSA 235. (Source. GB 41; HA 27)

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28 Highways; Scenic Roads. Amend RSA 231:158, III as inserted by 1981, 87:1 by striking out said paragraph and inserting in place thereof the following:

III. Designation of a road as scenic shall not affect the eligibility of the town to receive construction or reconstruction aid pursuant to the provisions of RSA 235 for such road. (Source. GB 41; HA 28)

29 Apportionment. Amend RSA 235:23 as inserted by 1981, 87:1 as amended by striking out said section and inserting in place thereof the following:

235:23 Apportionment. All funds available to cities, towns, and unincorporated places, pursuant to the provisions hereof, shall be allotted by the commissioner of public works and highways upon the following basis:

I. Apportionment A: In each fiscal year, the commissioner shall allocate an amount not less than 12 percent of the total road toll revenue and motor vehicle fees collected in the preceeding fiscal year to a local highway aid fund. This fund shall be distributed to each city, town, and unincorporated place on a formula under which 1/2 of the amount is based on the proportion which the mileage of regularly maintained class IV and class V highways in each municipality, as of January 1 of the previous year, bears to the total of such mileage in the state; and 1/2 of the amount is based on the proportion which the office of state planning population estimate of each municipality bears to the latest estimate of the state's population as of January 1 of the previous year. The aid to be distributed under this paragraph shall be in addition to all other state and federal aid specifically authorized by statute.

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II. Apportionment B: The commissioner shall allot to each town a sum sufficient, when added to the amount which would be derived by a tax of \$.11 on each \$100 of the town's last equalized valuation, to equal \$117 for each mile of regularly maintained class V highway in such towns; except that, for any year in which the total allocated to the towns under this formula shall be less than \$400,000, the commissioner shall use such other figure in place of \$117 for each mile of regularly maintained class V highway as may be necessary to make the total allotment not less than \$400,000.

III. Apportionment C: The commissioner shall apportion to eligible cities and towns the amount of federal aid funds which are available for their use. (Source. GB 41; HA 29)

30 Notice. Amend RSA 235:25 as inserted by 1981, 87:1 by striking out said section and inserting in place thereof the following:

235:25 Notice to Towns. On or before January 1 of each year, the commissioner shall notify all cities, town, and unincorporated places of the amounts of aid being allotted in each fiscal year. Payments shall be made in quarterly increments in the months of July, October, January and April. These funds shall be used only for highway purposes. Whenever any city, town or incorporated place is unable to utilize the full amount of this apportionment for highway purposes in any given year, the unused balance may be carried over to the following municipal year and expended for highway purposes. (Source. GB 41; HA 30)

31 Unobligated Funds. Any joint fund balance remaining unobligated on January 1, 1984, shall revert to the contributing city, town, or



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unincorporated place and used only for highway purposes. (Source. GB 41; HA 31)

32 State Contribution. Amend RSA 235:34 as inserted by 1981, 87:1 by striking out said section and inserting in place thereof the following:

235:34 State Contribution to Damage Losses. Any city, town or unincorporated place which suffers damage to its highways through disaster which is estimated to exceed 1/8 of one percent of its assessed valuation shall be entitled to aid in the repair of such damage. The commissioner shall be notified of such damage and, after an investigation, shall estimate the amount of aid to which the city, town or unincorporated place is entitled. The commissioner shall survey the damaged highways and prepare an estimate of cost for rehabilitation of these highways, notifying the towns of the proportionate share which the state will contribute and the estimated amount of aid available. Aid to any city, town or unincorporated place shall be computed on that amount which is in excess of an amount equal to 1/8 of one percent of its assessed valuation and shall not exceed 75 percent of the cost of the damage in excess of this amount. Nothing in this section shall prohibit the city, town or unincorporated place from making such emergency repairs as are deemed necessary for public convenience, and such sum expended shall be considered part of the town's contribution. (Source. GB 41; HA 32)

33 Mental Health Centers. Notwithstanding any other provision of law, payments made out of the funds appropriated in PAU 05,02,05, division of mental health and developmental services, shall be made monthly on a pro rata basis. (Source. GB 46; HA 33)

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34 Sweepstakes Ticket Sales in Liquor Stores. Whereas RSA 284:21-h, II requires the sale of sweepstakes tickets in state liquor stores, and the state liquor commission is directed to cooperate with the sweepstakes commission in the sale of such tickets, authority is hereby granted to the sweepstakes commission to pay to the state liquor commission a sales commission of 5 percent on such ticket sales directly from the sweepstakes special revenue account. All sales and commissions shall be subject to the rules of the sweepstakes commission. (Source. GB 47; HA 34)

35 Repeal. 1981, 568:137, relative to authority to transfer funds, is hereby repealed. (Source. GB 48; HA 35)

36 Teacher Certification. Notwithstanding any other provision of law, for the biennium ending June 30, 1985, the teacher certification section, PAU 06,03,17,04, is hereby authorized to expend any existing balance and any funds which may become available during the biennium. Such expenditures to be made as necessary for the efficient operation of said office shall not require the expenditure of state general funds and further shall be subject to the prior approval of the fiscal committee and with the approval of the governor and council. (Source. GB 50; HA 36)

37 Equipment Fund.

I. Notwithstanding any other provision of law, any department as defined in RSA 9:1 proposing to purchase any new equipment or to replace any existing equipment except motor vehicles with new equipment shall submit a request to a committee composed of the comptroller, the director of purchase and property and a person designated by the governor. The committee may approve or disapprove any such requests, provided that it

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shall notify each department of the reason for its disapproval of any application. No such department may purchase equipment if the committee established herein disapproves. If the committee finds that failure of the department to purchase equipment or to replace equipment would result in a severe hardship to the department and that the department would be unable to perform its normal functions, the committee may authorize the department to purchase the equipment. If the department is so authorized, it shall make such transfers within its budget as may be possible for the purchase of the equipment. If no transfer of funds is available, the chief executive of the department shall submit a request to the fiscal committee for approval to expend a portion of the appropriation in paragraph II of this section for the purchase of the equipment. If the fiscal committee approves the request, the chief executive of the department shall request the governor and council for the authority to expend a portion of the appropriation in paragraph II for the purchase of the equipment as requested by the department.

II. There is hereby appropriated for the biennium ending June 30, 1985, the sum of \$200,000 to be expended by the governor and council for the purchase of equipment approved pursuant to paragraph I of this section. The sum hereby appropriated shall not be transferred or expended for any other purpose. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated. In addition, there is hereby appropriated for the purchase of equipment approved pursuant to paragraph I of this section by nongeneral fund departments such sums as may be necessary. The governor is authorized to

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draw his warrant for said sums which shall be a charge against the fish and game fund, the highway fund, or other appropriate special fund.

(Source. GB 51; HA 37)

38 Sweepstakes Commission; Authority Granted. Notwithstanding any other provision of law, for the biennium ending June 30, 1985, in order to provide sufficient funding to the sweepstakes commission to carry out sweepstakes programs that will provide funds for distribution in accordance with RSA 284:21-j, the commission shall apply to the fiscal committee of the general court for approval of any new sweepstakes programs or for the purchase of any tickets for new or continuing games. Additionally, no expenditures for consultants shall be contracted without prior approval by the fiscal committee. If approval of any such new program, purchase of tickets or consulting services is given, the commission may then apply to the governor and council to transfer funds from the sweepstakes revenue special account. The total of such transfers shall not exceed \$2,000,000 for the biennium ending June 30, 1985. (Source. GB 52; HA 38)

39 Lapsed Balances.

I. Other provisions of law notwithstanding, any balances in the following accounts at June 30, 1983, shall be lapsed to the unappropriated surplus of the general fund:

(a) Park fee surplus established in accordance with goal 1 of PAU 03,03,04 of 1982, 42:1.

(b) Vocational rehabilitation escrow account, established in accordance with 1981, 568:117.

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II. Notwithstanding the provisions of RSA 227:5, the funds in the emergency expenditure surplus account in the Cannon mountain aerial tramway fund shall lapse to the general fund on June 30, 1983, 1984, and 1985.

III. Notwithstanding any other provision of law, the balance available in the child support incentive program in the division of welfare IV-D program shall be lapsed to the general fund on June 30, 1983, 1984, and 1985. (Source. GB 54; HA 39)

40 Distribution of Sweepstakes Fund.

I. The state treasurer shall credit all moneys received from the sweepstakes commission, and interest received on such moneys, to a special fund from which he shall pay all expenses of the commission incident to the administration of RSA 284:21-a through 21-s and RSA 287 on a quarterly basis.

II. Notwithstanding any other provision of law, the state treasurer shall transfer, after the payment of administrative expenses through September 30, December 31, March 31, and June 30 of each fiscal year of the biennium ending June 30, 1985, all moneys deposited into the sweepstakes fund and interest received on such moneys to the department of education PAU 06,03,03 educational financial aid to districts. (Source. GB 55; HA 40)

41 Positions Abolished. The following positions in the below listed components/sub-components are abolished forthwith effective at the close of business on June 30, 1983, or later as specifically indicated:

Budget Number	Position Numbers
01-04-03-02-01	0046,0110,0048,0049,0052,0053,0054, 0056,0057,0058,0065,0084,0085,0091,

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	0092,0062,0063,0064,0066,0068,0078
	0087,0118,0163,0075
01-04-03-02-02	0126,0134,0139,0133,0136,0138,0129
01-04-03-02-03	0117,0175,0178,0145,0121,0182
01-04-03-02-04	0168,0148
01-04-03-02-05	0040
01-07-01-00-00	0003
01-08-02-02-00	0025,0008
01-09-01-02-00	0041
01-09-02-01-00	0072,0100
02-05-01-00-00	0023
02-06-06-00-00	0004,0003
02-06-12-00-00	0004
02-09-00-00-00	0004
02-12-02-00-00	0008
02-12-04-00-00	0036
02-13-02-00-00	0488
02-13-04-02-00	29 retail store positions shall be abolished at the close of business June 30, 1983 and 3 retail store positions shall be abolished at the close of busi- ness June 30, 1984.
02-16-04-03	0123,0215
02-17-07-02-00	0199



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02-17-07-03-00	0200
02-20-01-00-00	0006,0009
03-01-01-04-00	0171
03-01-03-03-00	0190
03-03-02-02-00	2017
03-05-01-00-00	0019,0048
03-05-03-00-00	0013
03-06-01-00-00	0009
03-06-02-00-00	0005,0018,0020
04-01-01-00-00	0004
04-03-01-01-00	0011-0013
04-03-02-01-00	1852,0632,1849,0724,0727,0804, 0883,0967,1404,0832,1416,1575, 1577,0717,1565
04-03-02-07-00	0246
04-03-03-01-00	1195,0163,1197,0100,1147,1109, 1110,0925,0340,1302
04-03-03-02-00	1229,1236
04-03-03-03-00	0419,1154
04-03-05-01-01	1444,1635
04-03-05-02-00	1864,1866,1863,1865,1867
05-02-06-01-00	Position to be abolished at the close of business June 30, 1984. 7736

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Positions to be abolished at the  
close of business June 30, 1985.  
7729,7640,7737,7757,7863,7783,8007,  
7881,7646,7998,7467

05-02-06-02-00

Positions to be abolished at the  
close of business June 30, 1984.  
7556,7011,7057,7114,7430,7465,7556,  
7054,7282,7289,7015,7230,7245,7253,  
7009,7053,7264,7265,7266,7267,7268,  
7274,7392,7411,7455,7456

Positions to be abolished at the  
close of business June 30, 1985.  
7281,7300,7660,7496,7222,7234,7238,  
8014,8010,7278,7397,7291,7290,7650,  
7789,7288,7303,7243,8013,7453,7236,  
7235,7262,7242,8009,7660,7194,7307,  
7586,7219,7244,7413,7604,7412,7436,  
7648,7255.

05-02-06-03-00

Positions to be abolished at the  
close of business June 30, 1984.  
7681,7381,7003,7004,7006,7012,7013,  
7014,7056,7016,7018,7005,7153,7263,  
7249,7973,7978,7979,7980,7966,7976,  
7120,7164,7167,7176,7156,7161,7139,  
7131,7132,7134,7483,7829,7422,7794,

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7326,7594,7825,7638,7008

Positions to be abolished at the  
close of business June 30, 1985.

4715,7794,7828,7811,7821,7185,7186,  
7512,7169,7206,7122,7131,7124,7015,  
7362,7565,7704,7957,7958,7959,7960,  
7961,7962,7963,7964,7965.

05-02-06-04-00

Positions to be abolished at the  
close of business June 30, 1984.

7332,7734,7490,7434,7584,7877,7309,  
7339,7341,7342,7328,7762,7336,7909,  
7333, 7853,7919,7914,7585

Positions to be abolished at the  
close of business June 30, 1985.

7669,7760,7577,7662,7761,7658,7849,  
7851,7857,7911,7923,7852,7856,7916,  
7583,7763,7875,7858

Positions to be abolished at the  
close of business June 30, 1985.

7193,7997,7994,7019,7188,7995,7180,  
7987,7989,7391,7429,7807,7990,7774,  
7590,7504,7418,7316,7041,7021,7076,  
7137,7357

06-03-01-03-01

0002,0381

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Position to be abolished at the  
close of business June 30, 1984.

0086

06-03-06-01-00

0104,0026,0021,0128,0129,0033

06-03-09-01-00

0222

06-03-12-03-00

3035,3038,3057,3060,3061,3062,3064

06-03-16-02-00

1536

06-03-17-01-00

0025

Position to be abolished at the  
close of business June 30, 1984.

0014

06-03-18-01-00

0185,0272

06-03-20-01-00

0211,0291

06-03-21-01-00

0187

06-03-21-02-00

0131,0207

(Source. GB 59; HA 41)

42 Unclassified Positions Eliminated. Amend RSA 94:1-a, I, (supp) as inserted by 1975, 505:28 as amended by striking out of the following groups the following positions:

Group K  
Business supervisor analysts

Group L  
Field audit team leader

Group M  
Assistant director, audit division

(Source. GB 62; HA 42)

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43 Positions Added. Amend RSA 94:1-a, I (supp) as inserted by 1975, 505:28 as amended by inserting in the following groups the following positions:

Group K  
Director risk management

Group L  
Field audit team leader (6)

Group M  
Audit team leader  
Business supervisor analysts  
Benefits administrator

Group N  
Assistant director audit division  
Deputy treasurer (2)  
Director operational analysis

(Source. GB 62; HA 43)

44 Personal Services Limitation. Other provisions of law notwithstanding, the total number of permanent classified positions for any department or agency for the biennium ending June 30, 1985, shall not exceed the number of full-time and permanent classified positions in pay status on June 30, 1983, for all agencies except instructional personnel at the technical institute and vocational-technical colleges, for which the date shall be May 31, 1983, and such additional positions as are authorized by the general court. With respect to agencies having an authorized complement of 5 permanent classified positions or less, the authorized number of positions shall not be reduced under this section. The provisions of RSA 98:17-a and 17-c are hereby suspended for the biennium ending June 30, 1985. (Source. GB 64; HA 44)

45 Layoff Provisions. Other provisions of law and personnel department rules notwithstanding, classified professional and supervisory employees

## Amendment to HB 500

shall not be afforded any bumping rights or preferences in the event of layoff or staff reductions. Only those position classifications listed in the collective bargaining agreement as nonexempt classified positions eligible for time and one-half overtime payments shall be entitled to bumping rights. (Source. GB 65; HA 45)

46 Parks Division. Notwithstanding any other provision of law, for the biennium ending June 30, 1985, the commissioner of resources and economic development may, with the prior approval of the fiscal committee and with the approval of the governor and council, utilize so much as may be necessary of the actual revenue in excess of \$3,355,000 for fiscal year 1984 and the actual revenue in excess of \$3,355,000 in fiscal year 1985 to effectively operate the parks division and insure the maximization of revenue. (Source. GB 66; HA 46)

47 Fish and Game Fund. Other provisions of law notwithstanding, the fish and game commission may, with prior approval of the fiscal committee and with the approval of the governor and council, utilize so much as may be necessary of the balance accumulated at June 30, 1983, or any surplus accumulating in the fish and game fund during the biennium ending June 30, 1985, to effectively and efficiently operate the department without the use of any other state funds. (Source. GB 67; HA 47)

48 Health and Welfare; Improved Management Cost Reductions. Notwithstanding any other provision of law, and in addition to the reductions specified in section 49 of this act, the sum of \$2,800,000 in general funds in fiscal year 1984, and \$5,300,000 in fiscal year 1985, of the total amount appropriated to the department of health and welfare by



## Amendment to HB 500

section 1 of this act shall either not be expended and shall lapse to the general fund, or be offset in whole or in part by additional or new revenues. These reductions, or revenue enhancements, or both, with the prior approval of the fiscal committee and the approval of the governor and council, shall be identified by the commissioner of health and welfare, in consultation with management consultants from Touche-Ross, Inc., and reported to the comptroller and the fiscal committee not later than October 1 of each fiscal year. The commissioner shall also certify as to the improved management activity which produces said reductions, or revenue enhancements, or both. Upon receipt of said report and certification, and with the approval of the fiscal committee, the comptroller shall lapse the identified moneys to the general fund, or make applicable adjustments to revenue sources, or both. (Source. GB 68; HA 48)

49 Health and Welfare; Reduced Personnel Expenditures. Notwithstanding any other provision of law, the sum of \$2,000,000 in general funds in fiscal year 1984, and a like amount in fiscal year 1985, of the total amount appropriated for personnel for the department of health and welfare by section 1 of this act shall not be expended and shall lapse to the general fund. These reductions, and the positions which are to be eliminated in order to effect them, shall be identified by the commissioner of health and welfare and reported to the comptroller and the fiscal committee not later than August 1 of each fiscal year. Upon receipt of said report, and with the approval of the fiscal committee, the comptroller shall lapse said moneys to the general fund; and the identified positions shall be abolished. (Source. GB 69; HA 49)

## Amendment to HB 500

50 Surtax Imposed on Payments Made Under Business Profits Tax. A surtax is imposed at the rate of 13.5 percent upon every payment made by any business organization under RSA 77-A:6 for the biennium ending June 30, 1985. (Source. GB 71; HA 50)

51 Extension of Road Toll Increase. Amend 1981, 534:8, II by striking out said paragraph and inserting in place thereof the following:

II. Section 3 of this act shall take effect July 1, 1985.

(Source. GB 72; HA 51)

52 Certain Payments. Other provisions of law notwithstanding, any city or town which, after December 31, 1982, adopts a fiscal year ending in June shall not be eligible for payments under RSA 31-A:5, II on March 15 and June 15 but shall receive their payments as follows: 1/2 on September 15 and 1/2 on December 15. (Source. GB 73; HA 52)

53 Business Profits Tax Credits; Repeal. RSA 77-A:5, III, relative to credit for taxes paid pursuant to sections of RSA 400-A relating to taxation and insurance companies, is hereby repealed. (Source. GB 76; HA 53)

54 State Agency Planning and Design Costs.

I. The division of public works of the department of public works and highways shall not perform any design and planning work for any state agency unless the division is reimbursed for such work by the agency pursuant to a written agreement. The division shall not expend for each fiscal year (1984 and 1985) more than \$100,000 plus any actual agency income from design and planning work.

II. Notwithstanding any other provision of law, the division of public works of the department of public works and highways shall, prior to

## Amendment to HB 500

performing any design and planning work for any department, board, commission, institution or other agency, enter into a written agreement specifying in detail the services to be performed and the cost to the agency. Said agreement shall be binding on the division of public works and the other agency. Any change or modification in the services to be performed shall likewise be agreed to in writing and shall specify the change and the adjustment to the cost. Any dispute relative to such agreements shall be resolved by the attorney general.

III. Notwithstanding any other provision of law, the division of public works of the department of public works and highways is hereby authorized, with the prior approval of the fiscal committee, to make expenditures in excess of the amounts appropriated by this act to the extent that other agency income received by the department exceeds the anticipated other agency income in each fiscal year. (Source. GB 77; HA 54)

55 Group Insurance by Retirement System; Repeal. RSA 101-A, relative to administration of state employees' group insurance by the retirement system, is hereby repealed. (Source. GB 78; HA 55)

56 Transfer State Employees Group Insurance to Department of Administration and Control; Add Risk Management Division. Amend RSA 8 by inserting after section 59 the following new subdivisions:

Division of Risk Management and Operational Analysis.

8:60 Division Established. There shall be a division of risk management and operational analysis under the executive direction of the comptroller.

## Amendment to HB 500

8:61 Duties. The division of risk management and operational analysis shall:

I. Monitor state agency activities and evaluate agency operations based on priorities established by budget program and statute in the following areas: revenues, expenses, staffing, space utilization, fleet operations, and such other public service needs as the comptroller shall direct.

II. Conduct a continuous study to identify loss exposure; develop loss prevention guidelines; develop cost effective means for protecting against various types of loss; develop and maintain accurate evaluations of all real and personal property under the control of state agencies; and develop an overall insurance strategy for state property, either self-insuring, purchased insurance, or a combination of both.

III. Develop and administer all employee benefit programs and conduct a continuous study of alternative financing methods and benefit offerings including, but not limited to, administration of RSA 8:68-79.

8:62 Director of Operational Analysis. The comptroller shall appoint a director of operational analysis who shall be qualified by education and experience and shall hold office during good behavior and may be removed only as prescribed in RSA 4:1.

8:63 Salary. The annual salary of the director of operational analysis shall be that prescribed by RSA 94:1-4.

8:64 Benefits Administrator. The comptroller shall appoint a benefits administrator who shall be qualified by education and experience and shall

## Amendment to HB 500

hold office during good behavior and may be removed only as prescribed in RSA 4:1.

8:65 Salary. The annual salary of the benefits administrator shall be that prescribed by RSA 94:1-4.

8:66 The comptroller shall appoint a director of risk management who shall be qualified by education and experience and shall hold office during good behavior and may be removed only as prescribed in RSA 4:1.

8:67 Salary. The annual salary of the director of risk management shall be that prescribed by RSA 94:1-4.

## State Employees Group Insurance

8:68 Purpose and Policy. This subdivision is to provide permanent group life insurance and group hospitalization, hospital medical care, surgical care and other medical and surgical benefits for New Hampshire state employees and their families, and retired state employees and their spouses. In view of the accepted value of group insurance to the well-being and efficiency of employees, on the part of small and large private employers and the other 5 New England states in obtaining benefits of this type of insurance for their employees, the state of New Hampshire implements this subdivision in order that the state shall compare favorably to the standards now commonly accepted by private employers and the state employees in the other 5 New England states by making available to state employees and their families and retired state employees and their spouses permanent group life insurance and group hospitalization, hospital medical care, surgical care and other medical and surgical insurance benefits.

## Amendment to HB 500

8:69 Administration. Administration of the state employees permanent group life and group hospitalization, hospital medical care, surgical care and other medical and surgical insurance benefits shall be administered by the comptroller.

8:70 Contract. The comptroller shall be authorized to enter into permanent group life insurance and group hospitalization, hospital medical care, surgical care and other medical and surgical benefits contracts with an insurance company or companies, or other group licensed to do business in the state of New Hampshire. The comptroller shall from time to time assess the medical insurance coverage given by its present insurer and by others in order to determine which of various contracts would best serve the interests of the state employees.

8:71 Permanent Group Life Insurance. The state shall provide a permanent life insurance, accidental death and dismemberment group plan for all permanent state employees. The permanent group life insurance programs shall provide for a \$1,000 face value death benefit with a paid up value upon retirement or leaving state service. The state shall pay the term portion of the life insurance premium and the state employees shall pay for the permanent portion of the life insurance premium on payroll deduction.

8:72 Group Hospitalization, Hospital Medical Care, Surgical Care and Other Medical and Surgical Benefits. The state shall pay the full premium for each state employee and permanent temporary or permanent seasonal employee as defined in RSA 98-A:3 including spouse and minor, fully dependent children, if any, and each retired employee and his spouse or retired employee's beneficiary, only if an option was taken at the time of



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retirement and the employee is not now living, toward group hospitalization, hospital medical care, surgical care and other medical benefits plan within the limits of the funds appropriated at each biennial session and providing any change in plan or vendor is approved by the fiscal committee of the general court prior to its adoption. Funds appropriated for this purpose shall not be transferred or used for any other purpose.

8:73 Dividends. Any dividends which may be received from this life insurance program and the group hospitalization, hospital medical care, surgical care and other medical and surgical benefits shall be paid to the state to be used to extend greater coverage by increasing the face value of the life insurance program.

8:74 Eligibility. Only full time state employees shall be authorized to participate, on a voluntary basis, in the permanent group life insurance program. All full time state employees and retired state employees shall be authorized to participate, on a voluntary basis, in the group hospitalization, hospital medical care, surgical care and other medical and surgical benefits program.

8:75 Leave of Absence. Employees who are participating in the permanent group life insurance program, and who go on an approved leave of absence, may have their permanent group life insurance program continued by the payment by the state of the term portion of the life insurance premium during such leave of absence up to a maximum period of one year.

8:76 Age Limit. There shall be no age limit to participate in either the permanent group life insurance or in the group hospitalization,

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hospital medical care, surgical care and other medical and surgical benefits program.

8:77 Examinations. There shall be no physical examination or health statement required for coverage under either the permanent group life insurance or group hospitalization, hospital medical care, surgical care and other medical and surgical benefit programs; provided, however, that, if a state employee otherwise eligible fails to apply for any such insurance coverage within the time required by the insurance contract, the insurer may require that the employee submit satisfactory evidence of insurability as a condition for becoming insured.

8:78 Rulemaking. Any rules necessary for the proper management of this program shall be adopted pursuant to RSA 541-A by the comptroller.

8:79 Hearings. The comptroller shall have the power to hold hearings and make inquiries as he deems necessary to carry out his functions and exercise his powers under the provisions of this chapter. For the purpose of such hearings and inquiries, the comptroller shall have the power to administer oaths and affirmations, to examine witnesses and documents, to take testimony and receive evidence, to compel the attendance of witnesses and the production of documents by the issuance of subpoenas. (Source. GB 78 and 79; HA 56)

57 Transfer; State Employees Group Insurance Benefits.

I. All of the functions, powers, duties, records, appropriations and accounts of the New Hampshire retirement system relative to administration of state employees group insurance are hereby transferred to the comptroller.

## Amendment to HB 500

II. All contracts and agreements entered into and all rules adopted under RSA 101-A in effect on the effective date of this section shall be deemed to have been entered into or adopted by the comptroller.

(Source. HA 57)

58 Youth Development Center. For the biennium ending June 30, 1985, the youth development center shall be exempt from the provisions of 1981, 568:6, relative to estimated federal funds. (Source. GB 80; HA 58)

59 Integrated Financial System. It is hereby declared to be the intent of the general court that an integrated financial system, including, but not limited to, an accounts payable system, and budget to actual comparisons be developed within the department of administration and control as rapidly as possible during the current biennium. Other provisions of law notwithstanding, in order to develop a fully efficient and integrated accounts payable system, so much as is necessary of the appropriations, personnel, and functions assigned to the disbursement section of the treasury department shall, during the biennium, be transferred to the department of administration and control. The treasurer and the comptroller shall jointly present a plan, with the prior approval of the fiscal committee, to the governor for his approval. (Source. GB 81; HA 59)

60 Purchase of Table Wines; Discount. Notwithstanding the provisions of RSA 178-A:21, II, for the biennium ending June 30, 1985, the discount price for table wines purchased for resale by holders of retail wine licenses shall be 15 percent less than the regular retail price in the liquor stores and 20 percent less the regular retail price F.O.B. the warehouse. (Source. GB 82; HA 60)

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61 Fish and Game; Bond Issue Authorized. To provide funds for the purpose of purchasing computer equipment for the fish and game department, the state treasurer is hereby authorized to borrow upon the credit of the state in a sum not exceeding \$400,000 for the biennium ending June 30, 1985, and for that purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The interest and principal due on bonds or notes issued under this section shall be a charge against the fish and game fund. (Source. GB 83; HA 61)

62 Pari-Mutuel Commission. Section 1 of this act includes the amount of \$234,783 for fiscal year 1984 and \$235,223 for fiscal year 1985 for expenses associated with racing at Rockingham Park. Said sums may only be expended if pari-mutuel racing is conducted at Rockingham Park. (Source. GB 84; HA 62)

63 Revenue Sharing. Amend RSA 31-A:4 (supp) as inserted by 1970, 5:16 as amended by striking out said section and inserting in place thereof the following:

31-A:4 Determination of Amounts Returnable. The state treasurer shall distribute to the cities and towns each year the amount appropriated by the general court according to an equalized formula calculated by taking for each city and town the amount of local property taxes assessed, including current distributions of state revenues to local governments, exclusive of educational funds; dividing that sum by the local equalized valuation as determined by the department of revenue administration; and multiplying the result by the local population to produce an equalizing factor for each

## Amendment to HB 500

city and town. Such equalizing factors shall be added together to produce a total state sum. Each local equalizing factor shall be divided by the total state sum to produce for each city and town a normalized factor. Each such normalized factor shall be multiplied by the total amount to be distributed to the cities and towns to produce the annual share of each city or town. Provided, however, that no city or town shall receive under the provisions of this section an amount less than the sum of:

I. Its 1978 distribution under RSA 31-A plus its share under the equalized formula of an annual increase of 5 percent in the previous year's aggregate distribution, through the year 1981, excluding revenues derived from RSA 77-A:20.

II. Its 1982 distribution under the interest and dividends tax.

III. Its 1982 distribution under the savings bank tax.

IV. Seventy-five percent of its 1976 distribution under RSA 78-A:23.

The funds for any such adjustment shall be provided by a pro rata reduction in the amounts distributed to those cities and towns otherwise receiving more than the result of the above calculation. (Source. GB 86; HA 63)

64 Former Distributions; Repeal. The following are hereby repealed:

I. RSA 77:34, relative to the distribution of interest and dividends tax.

II. RSA 78-A:23, relative to the distribution of meals and rooms tax. (Source. GB 86; HA 64)

65 Reducing Road Toll Shrinkage Allowances. Amend RSA 260:48, I, as inserted by 1981, 146:1 by striking out in line 1 the words "one percent"

## Amendment to HB 500

and inserting in place thereof the following (1/2 of one percent) so that said paragraph as amended shall read as follows:

I. The amount of refund shall be computed at the rate of 1/2 of one percent of the toll paid on gross purchases. (Source. GB 87; HA 65)

66 Increasing Certain Title Fees. Amend RSA 261:20, I as inserted by 1981, 146:1 by striking out said paragraph and inserting in place thereof the following:

I. The department shall be paid the following fees:

(a) For filing an application for a first certificate of title, with or without a lienholder named, \$7;

(b) For a certificate of title after a transfer, with or without a lienholder named, \$7;

(c) For a duplicate certificate of title, \$7;

(d) For an ordinary certificate of title issued upon surrender of a distinctive certificate, \$7;

(e) For filing a notice of security interest, \$7;

(f) For a certificate of search of the records of the division, for each name or identification number searched against, \$7;

(g) For filing an assignment of security interest, \$1;

(h) For issuing a distinctive New Hampshire number in place of a vehicle identification number, \$10. (Source. GB 88; HA 66)

67 Increasing Certain Dealer's Temporary Plate Fees. Amend RSA 261:141, I and II as inserted by 1981, 146:1 by striking out said paragraphs and inserting in place thereof the following:



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## I. Flat fees:

(a) For each trailer or semi-trailer upon which is permanently mounted a power substation or transformer and associated equipment used for standby or emergency purposes in public service -- \$5.

(b) For motorized locomotives of the American Legion -- \$5.

(c) For each dealer's, motorcycle dealer's, moped dealer's, or utility dealer's temporary plate -- \$1 each.

II. All unused temporary plates issued pursuant to RSA 261:141, I, which are returned by a bona fide dealer to the division shall be refundable at the rate of \$1 each; except that temporary plates purchased at the rate of \$.50 each shall be refundable at the rate of \$.50 each. (Source. GB 89; HA 67)

68 Increasing Motor Vehicle Registration Transfer Fees. Amend RSA 261:141, VII(b) as inserted by 1981, 146:1 by striking out in line 3 the sum "\$5" and inserting in place thereof the following (\$10) so that said subparagraph as amended shall read as follows:

(b) For the transfer of the registration of any motor vehicle, trailer, semi-trailer or tractor for that of another motor vehicle, trailer, semi-trailer or tractor previously registered pursuant to this chapter -- \$10. (Source. GB 90; HA 68)

69 Increasing Vanity Plate Service Fees. Amend RSA 261:141, VII(d) (supp) as inserted by 1981, 146:1 as amended by striking out in line 1 the sum "\$15" and inserting in place thereof the following (\$25) so that said subparagraph as amended shall read as follows:

(d) For vanity plate service fee -- \$25. (Source. GB 91; HA 69)

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70 Establishing a Registration Fee for Sailboats. Amend RSA 270:5, III(a), (b), and (c) (supp) as inserted by 1977, 341:4 by striking out said subparagraphs and inserting in place thereof the following:

(a) Any boat that is powered by sail or by an inboard or outboard motor shall have its registration fee determined by length in the following manner:

up to and including 16 feet	\$ 7.
16.1 feet to 21 feet	12.
21.1 feet to 30 feet	17.
30.1 feet to 45 feet	24.
45.1 feet and over	32.

(b) Sailboats under 12 feet in length, rowboats and canoes powered by oars, paddles, or other human power are exempt from fees under this paragraph unless such boats and canoes have an inboard or outboard motor in which case they shall pay the fee prescribed in subparagraph (a).

(c) Rental boats shall pay the fee prescribed in subparagraph (a). (Source. GB 92; HA 70)

71 Bonding Authorization. To provide funds for the remedial investigations and remedial cleanup costs involved pursuant to RSA 147-B, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$1,500,000 and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. The interest and principal due on bonds or notes shall be a charge against the hazardous waste fund established under RSA 147-B:3. (Source. GB 93; HA 71)

72 Transfers Authorized. Notwithstanding any other provision of law, for the biennium ending June 30, 1985, in case the expenditure of

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additional funds over budget estimates is necessary for the proper functioning of the department of safety, the governor and council, with the prior approval of the fiscal committee of the general court, upon request from said department, may authorize the transfer of funds from the highway surplus account to the department of safety for such purposes.

(Source. GB 94; HA 72)

73 State Prison Population. In the event that the total resident prison population exceeds 470 for 30 days or more, the warden may request, with prior approval of the fiscal committee, that the governor and council approve additional appropriations as they deem essential to provide for safe and humane operation of the prison in accordance with the consent decree in Laaman vs. Helgemoe. The governor is authorized to draw his warrant from any funds in the treasury not otherwise appropriated. (Source. GB 95; HA 73)

74 Contracted Services. Whenever it shall be more cost effective and efficient to contract for any service or activity provided by in house staff, the executive head of any agency is hereby authorized, after receiving prior approval of the fiscal committee and after approval of the governor and council, to contract for such services. For the purpose of entering into such contract or contracts the provisions of RSA 9:17-a, RSA 9:17-c and RSA 99:4 shall not apply.

(Source. GB 96; HA 74)

75 Hazardous Waste Generator Fees. Amend RSA 147-B:8, I (supp) as inserted by 1981, 413:3 by striking out said paragraph and inserting in place thereof the following:

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I. Every generator of hazardous waste located in this state who generates in a 3 month period 300 kilograms (661.5 pounds) or more of unrecycled hazardous waste shall pay a quarterly hazardous waste generator fee of \$50 to the bureau. Every generator described above shall also pay a quarterly fee of no more than \$.04 per kilogram (\$.018 per pound) for unrecycled hazardous waste and no more than \$.02 per kilogram (\$.009 per pound) for recycled hazardous waste regulated under rules adopted pursuant to RSA 147-A:3. No single generator shall be required to pay more than \$6,000 per quarter. (Source. GB 97; HA 75)

76 Taxation of Railroads and Public Utilities. Amend RSA 82:2 by striking out said section and inserting in place thereof the following:

82:2 Rate. Every railroad, railway, express, telephone and telegraph corporation or company, and every parlor, sleeping or dining car corporation or company, or other corporation or company not a railroad company owning any cars operated for profit on any railroad in this state, shall pay to the state an annual tax, as of April 1 of each year, upon the actual value of its property and estate, except buildings used by telephone and telegraph companies for office purposes and as central stations, at a rate as nearly equal as may be to the average rate of taxation at that time upon other property throughout the state.

(Source. GB 98; HA 76)

77 Transportation of Hazardous Materials. Amend RSA 106-A:18 (supp) as inserted by 1979, 344:1 by striking out said section and inserting in place thereof the following:

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106-A:18 Duty of Commissioner. The commissioner of the department of safety shall regulate and promote the safe transportation of hazardous materials, hazardous wastes and hazardous substances by all modes of transportation within and throughout this state by:

I. Adopting as rules pursuant to RSA 541-A the current version of the regulations promulgated by the Materials Transportation Bureau of the United States Department of Transportation contained in parts 170-189 of title 49 of the Code of Federal Regulations, the current version of the regulations promulgated by the Bureau of Motor Carrier Safety, Federal Highway Administration of the United States Department of Transportation contained in parts 390-397 of the Code of Federal Regulations, and the current version of the regulations promulgated by the United States Nuclear Regulatory Commission and contained in parts 71 and 73 of title 10 of the Code of Federal Regulations. Notwithstanding the provisions of RSA 541-A, any amendments or additions by the respective federal agencies or their successor agencies shall also amend or supplement the rules adopted by the commissioner of safety without further action on his part; and notwithstanding the provisions of RSA 541-A, these rules shall not expire periodically as other administrative rules do.

II. Adopting rules pursuant to RSA 541-A relative to the transportation of hazardous materials or substances by all modes of transport which shall be no less protective of public safety than the rules promulgated by the federal government with respect to such transportation including, but not limited to, the proper packaging, shipping, reporting

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and brokering of shipments, financial responsibility of shippers, and financial liability for clean-up of transportation accidents.

III. Adopting rules pursuant to RSA 541-A relative to the transportation of hazardous materials, substances, or wastes regarding the reporting of all incidents involving the transportation of such materials and how such incidents were handled, and on-the-spot inspection of vehicles carrying hazardous materials, substances or wastes by any peace officer or other authorized agent of the commissioner of safety. In enforcing the provisions of this subdivision and rules adopted thereunder, police employees of the division of state police shall not be limited by the provisions of RSA 106-B:15. However, in adopting such rules the commissioner shall review rules adopted by the division of public health services for the regulation of hazardous wastes under RSA 147-A through RSA 147-D and shall, to the extent possible, coordinate his rules with such rules of the division of public health services to obtain consistency and avoid duplication.

IV. Entering into cooperative agreements with agencies of this and other states and of the federal government in relation to the enforcement of rules adopted pursuant to this subdivision and rules and regulations promulgated by the federal government or other state agencies which apply to transportation in New Hampshire.

V. Adopting rules under RSA 541-A which shall require shipments of low-level radioactive waste generated within or passing through the state and destined for any disposal facility to conform with the applicable packaging and transportation regulations of the state where such regional



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facility is located, to the extent that such requirements and rules do not conflict with federal law, and to the extent that the rules of this state are not more stringent.

VI. The commissioner of safety or his authorized representative shall be the state designee to receive notification required by title 10 of the Code of Federal Regulations for shipments of radioactive materials. (Source. GB 99; HA 77)

78 Hazardous Materials Transportation; Enforcement. Amend RSA 106-A:19, (supp) as inserted by 1979, 344:1 by striking out said section and inserting in place thereof the following:

106-A:19 Enforcement. The provisions of this subdivision and any rules adopted thereunder shall be enforced anywhere in the state by any state trooper, safety inspector, authorized agent of the commissioner of safety, or, within their respective jurisdictions, by any peace officer. Such officers may detain and inspect without a warrant any sealed or unsealed vehicle, container, or shipment which contain or which they have reasonable grounds to believe may contain hazardous materials, substances or wastes while in transit or in maintenance facilities, terminals, or other public or private property to ascertain if hazardous materials, hazardous substances or hazardous wastes are being loaded, unloaded, stored or transported, and to inspect the contents, take samples thereof, and to otherwise ensure compliance with the provisions of this subdivision and of all rules adopted hereunder. If a seal is opened for inspection, the inspecting officer shall reseal any vehicle, container or shipment prior to further transportation. (Source. GB 99; HA 78)

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79 Hazardous Materials Transportation; Fines and Penalties; Limits; Licensing. Amend RSA 106-A by inserting after section 19 the following new sections:

106-A:20 Civil Fines and Penalties. Any person, as person is described in RSA 21, who violates any of the provisions of this subdivision or any rule, license condition, permit or permit condition shall be subject to a civil penalty not to exceed \$5,000 for a natural person or \$25,000 for any other person. The moneys obtained from the levying of fines, penalties or license fees under this subdivision shall be distributed annually in the following manner:

I. Seventy-five percent shall be transferred to the state of New Hampshire hazardous waste cleanup fund established by RSA 147-B.

II. Five percent shall be credited to the department of safety to be used for state, local or regional emergency response programs identified by the commissioner and deemed appropriate by him to receive such funding.

III. Twenty percent shall inure to the credit of the department of safety to be used for the enforcement of the laws and rules related to the transportation of hazardous materials, substances and wastes.

IV. The department of safety is authorized to deposit 75 percent of the licensing fees received pursuant to RSA 106-A:23 and to establish a revolving fund into which it shall deposit the remaining 25 percent of the licensing fees. The department of safety, with approval of the governor and council, shall be authorized to utilize the moneys from the revolving fund so created for the purposes outlined in paragraphs II and III, and any remaining balance at the end of the biennium shall lapse to the hazardous waste cleanup fund.

## Amendment to HB 500

## 106-A:21 Criminal Penalty.

I. Notwithstanding the civil penalties provided in RSA 106-A:20, the shipper, broker, or transporter of any hazardous materials, substances or wastes who shall violate the provisions of this subdivision or rules adopted pursuant thereto shall be guilty of a violation for the first offense and, notwithstanding the provisions of Title LXII, may be fined not more than \$500 if a natural person or more than \$1,000 if any other person. Upon conviction based on a complaint which alleges that the person has had a prior conviction and said prior conviction is proven and was within the 5 years preceding the date of the second or subsequent offense, such person shall be guilty of a misdemeanor. Upon conviction based on a complaint which alleges that a person has had 2 or more prior convictions and said prior convictions are proven and are within the 5 years preceding the date of the first offense, such person shall be guilty of a class B felony if a natural person or a felony if any other person.

II. Provided, however, that, notwithstanding the civil penalties in RSA 106-A:20, the shipper, broker, or transporter of any hazardous materials, substances or wastes who shall transport or cause to be transported a hazardous material, substance or waste on the strength of a forged manifest, transporter's license or license decal shall be guilty of a class B felony if a natural person or guilty of a felony if any other person.

106-A:22 Limits. Nothing contained in this chapter shall be construed to modify, limit, or be inconsistent with the duties and authority conferred upon the division of public health services under RSA 147-A, 147-B, 147-C, and 147-D.

## Amendment to HB 500

106-A:23 Licensing Required. Every person including private carriers, common and contract carriers who operate a vehicle on the ways of this state transporting a hazardous material, waste or substance in such quantity and under such conditions that they are required to be labeled or placarded pursuant to part 172.101 of title 49 of the Code of Federal Regulations or meet the manifest requirements set forth by part 262 of title 40 of the Code of Federal Regulations or meet the manifest requirements as set forth under the rules of the office of waste management, division of public health services, department of health and welfare, shall first procure from the department of safety an annual license or single trip license for each vehicle so driven. This license or permit shall be available for examination and shall be displayed in accordance with rules adopted by the commissioner of safety. The fee for an annual license or single trip license shall be \$25, no portion of which shall be pro rated. This registration requirement shall not apply to any vehicle owned or operated by the federal government or any political subdivision thereof, nor to any vehicle when used during an emergency with the specific approval of a peace officer, fire chief, designated official of the department of health and welfare, or the state fire marshal. In addition to the foregoing, this registration requirement shall not apply to any vehicle which has been issued a permit by the division of public health services for the transportation of hazardous wastes within the state under the provisions of RSA 147-A:6 and rules adopted thereunder; provided that, at the time, the only hazardous materials or substances being transported

## Amendment to HB 500

qualify as hazardous wastes under the applicable provisions of federal and state laws and rules. (Source. GB 99; HA 79)

80 Hazardous Materials Transportation; Motor Vehicle Penalties. Amend RSA 265:118 as inserted by 1981, 146:1 by striking out said section and inserting in place thereof the following:

265:118 Penalty. The driver, owner and custodian of any vehicle which is driven in violation of the provisions of this subdivision or any rule adopted thereunder shall be guilty of a violation for a first offense and, notwithstanding the provisions of Title LXII, shall be fined not more than \$500 if a natural person or more than \$1,000 if any other person. Upon conviction based on a complaint which alleges that the person has had a prior conviction and said prior conviction is proven and was within the 5 years preceding the date of the second or subsequent offense, such person shall be guilty of a misdemeanor. Upon conviction based on a complaint which alleges that a person has had 2 or more prior convictions and said prior convictions are proven and are within the 5 years preceding the date of the first offense, such person shall be guilty of a class B felony if a natural person or a felony if any other person. (Source. GB 99; HA 80)

81 Hazardous Materials Transportation; Fire Officer Duties. Amend RSA 154:7, II(k) (supp) as inserted by 1979, 344:6 by striking out said subparagraph and inserting in place thereof the following:

(k) To immediately notify the state fire marshal of any accident involving the transportation of any hazardous material and to request assistance from any state agency as he deems necessary in the interest of public safety. Once state assistance has been requested and is on the

## Amendment to HB 500

scene, the state fire marshal shall have the authority to direct and control activities at the scene including the authority outlined in subparagraphs (a) through (j).(Source. GB 99; HA 81)

82 School Building Aid. Amend RSA 198:15-b, IV (supp) as inserted by 1979, 208:1 by striking out said paragraph and inserting in place the following:

IV. For the purposes of this subdivision, "construction" shall include any one or more of the following for the construction of instructional facilities only:

(a) The acquisition and development of a site.

(b) Planning construction or both of a new building.

(c) Planning construction or both of additions to existing buildings to provide additional pupil capacity.

(d) Architectural and engineering fees.

(e) Purchase of equipment and any other costs necessary for the completion of a building as approved by the state board of education. (Source. GB 100; HA 82)

83 Rooms and Meals Tax; Compensation. Amend RSA 78-A:7, III (supp) as inserted by 1982, 42:93 by striking out said paragraph and inserting in place thereof the following:

III. To compensate operators for keeping the prescribed records and the proper account and remitting of taxes by them, operators are allowed to retain 3 percent of the taxes due and to be remitted if the return and payment are timely received by the department of revenue administration, as provided in RSA 78-A:8, III. (Source. GB 101; HA 83)



## Amendment to HB 500

84 Rooms and Meals Tax; Returns and Payment. Amend RSA 78-A:8 as inserted by 1967, 213:1 as amended by striking out said section and inserting in place thereof the following:

78-A:8 Returns and Payment.

I. Every operator shall on or before the tenth day of the calendar month following the collection of taxes imposed by this chapter make a return to the commissioner of revenue administration. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to the form of such return and the data which it shall contain. All returns shall be signed by the operator or an authorized representative subject to the pains and penalties of perjury.

II. The taxes collected by every operator shall be paid to the state on or before the tenth day of the calendar month following their collection and shall accompany the return required by paragraph I. The operator may deduct from the taxes collected the compensation allowed by RSA 78-A:7, III and remit the net taxes to the commissioner of revenue administration.

III. Notwithstanding the provisions of any other law, returns and remittances due under this chapter shall be considered timely only if received by the department of revenue administration on or before the tenth day of the calendar month in which they were due. If this due date falls on a Saturday, Sunday or legal holiday, then the returns and remittances due under this chapter shall be filed no later than the next business day. (Source. GB 101; HA 84)

85 Rooms and Meals Tax; Special Returns. Amend RSA 78-A:9, II (supp) as inserted by 1969, 287:17 as amended by striking out said paragraph and inserting in place thereof the following:

## Amendment to HB 500

## II. Upon written request and for good cause shown:

(a) The department may authorize an operator whose books and records are not kept on a calendar month basis to file returns at times other than those specified in RSA 78-A:8.

(b) The department may authorize seasonal businesses to file fewer than 12 monthly returns.

(c) The department may extend the time for filing any return required by the chapter. (Source. GB 101; HA 85)

86 Revenue Administration; Additions to Tax; Penalties. Amend RSA by striking out the subdivision heading immediately preceding RSA 71-A:35 (supp) and inserting in place thereof the following:

## Penalties

(Source. GB 102; HA 86)

87 Eliminate "Additions to Tax." Amend RSA 71-A:35 (supp) as inserted by 1975, 439:3 by striking out in lines 1 and 2 the words "additions to tax," so that said section as amended shall read as follows:

71-A:35 General Application. Except as otherwise provided, the interest and penalties specified in this subdivision are applicable to all taxes administered by the department. (Source. GB 102; HA 87)

88 Penalty. Amend RSA 71-A:36 (supp) as inserted by 1975, 439:3 by striking out said section and inserting in place thereof the following:

71-A:36 Penalty for Failure to File. Any taxpayer who fails to file a return when due, unless an extension has been granted by the department, shall pay a penalty equal to 5 percent of the amount of the tax due or \$10, whichever is greater, for each month or part thereof during which the

## Amendment to HB 500

return remains unfilled. The total amount of any penalty shall not, however, exceed 25 percent of the total tax due or \$50, whichever is greater. This penalty shall not be applied in any case in which the failure to file was due to reasonable cause and not willful neglect of the taxpayer. The amount of the penalty is determined by applying the percentages specified to the net amount of any tax due on the return after crediting any payments made through estimating or other means. (Source. GB 102; HA 88)

89 Penalty. Amend RSA 71-A:37 (supp) as inserted by 1975, 493:3 as amended by striking out said section and inserting in place thereof the following:

71-A:37 Penalty for Underpayment of Estimated Tax.

I. Except as provided in paragraph IV, in the case of any underpayment of estimated tax by a business organization, there shall be added to the tax for the taxable year an amount determined at the rate established under RSA 71-A:11, XIII on the amount of the underpayment for the period of the underpayment.

II. For the purposes of paragraph I, the amount of the underpayment shall be the excess of

(a) The amount of the installment which would be required to be paid if the estimated tax were equal to 90 percent of the tax shown on the return for the taxable year or, if no return was filed, 90 percent of the tax for such year, over

(b) The amount, if any, of the installment paid on or before the last date prescribed for payment.

## Amendment to HB 500

III. The period of the underpayment shall run from the date the installment was required to be paid under RSA 77-A:7, I to whichever of the following dates is the earlier:

(a) The due date of the return required by RSA 77-A:6, I;

(b) With respect to any portion of the underpayment, the date on which such portion is paid. For purposes of this paragraph, a payment of estimated tax on any installment date shall be considered a payment of any previous underpayment only to the extent such payment exceeds the amount of the installment determined under subparagraph II(a).

IV. Notwithstanding the provision of paragraph I, II and III, and subject to the special rule for larger business organizations provided in paragraph V, the penalty with respect to any installment shall not be imposed if the total amount of all payments of estimated tax made on or before the last date prescribed for the payment of such installment equals or exceeds the amount which would have been required to be paid on or before such date if the estimated tax were whichever of the following is the lesser:

(a) The tax shown on the return of business organization for the preceding taxable year if a return showing a liability for tax was filed by the business organization for the preceding taxable year and such preceding year was a taxable year of 12 months.

(b) An amount equal to the tax computed at the rates applicable to the taxable year but otherwise on the basis of the facts shown on the return of the business organization for, and the law applicable to, the preceding taxable year.

## Amendment to HB 500

(c)(1) An amount equal to 90 percent of the tax for the taxable year computed by placing on an annualized basis the taxable income;

(A) For the first 3 months of the taxable year in the case of the installment required to be paid in the fourth month,

(B) For the first 3 months or for the first 5 months of the taxable year in the case of the installment required to be paid in the sixth month,

(C) For the first 6 months or for the first 8 months of the taxable year in the case of the installment required to be paid in the ninth month, and

(D) For the first 9 months or for the first 11 months of the taxable year, in the case of the installment required to be paid in the twelfth month of the taxable year.

(2) For purposes of this paragraph, the taxable income shall be placed on an annualized basis by:

(A) Multiplying by 12 the taxable income referred to in subparagraph IV (C) (1), and

(B) Dividing the resulting amount by the number of months in the taxable year (3,5,6,8,9, or 11, as the case may be) referred to in subparagraph IV(c) (1).

V. Large business organizations shall pay a minimum percentage of current year tax as follows:

(a) For taxable years beginning before 1984, in the case of a large business organization, the amount treated as the estimated tax for

## Amendment to HB 500

the taxable year under subparagraphs IV(a) and (b) shall in no event be less than 75 percent of

- (1) The tax shown on the return for the taxable year, or
- (2) If no return was filed, the tax for such year.

(b) For taxable years beginning after 1983, in the case of a large business organization, subparagraphs IV(a) and (b) shall not apply.

(c) For the purposes of this section the term "large business organization" means any business organization defined in RSA 77-A:1, I if such business organization (or any predecessor business organization) had taxable income of \$1,000,000 or more for any taxable year during the testing period. For the purposes of this subparagraph, the term "testing" means the 3 taxable years immediately preceding the taxable year involved. (Source. GB 102; HA 89)

90 Fish and Game; Motor Vehicle Purchase Restriction. The amount of \$168,300 for fiscal year 1984 and \$169,800 for fiscal year 1985 are included in the appropriation for the fish and game department for the purchase of motor vehicles. Purchases of vehicles may be made on a quarterly basis after October 1, 1983, and shall be restricted to the amount of money actually generated and designated as surplus as certified on a fish and game fund balance sheet submitted to the fiscal committee and the comptroller and the legislative budget assistant not later than the tenth day after the close of each quarter. Said purchases of motor vehicles are contingent upon the fish and game department generating a surplus in the fish and game fund equal to \$350,000 and receiving the approval of the fiscal committee for such purchase. (Source. GB 103; HA 90)



## Amendment to HB 500

91 Fish and Game; Deer Management Program. Other provisions of law notwithstanding, funding for the deer management program (03,01,02,03) shall be contingent upon the passage of legislation enacting an increase in license fees equal to the amount necessary to fund the program. Funding for the program shall not exceed \$100,000 in each year of the biennium; and institution of the program in the first year shall not occur until revenue equaling \$25,000 has been received by fish and game. Income generated by the increase in license fees shall be deposited in the deer management program and any funds in said account shall not lapse until June 30, 1985. If the revenue generated is less than estimated, the total appropriation shall be reduced by the amount of the reduction in estimates. (Source. GB 104; HA 91)

92 Youth Development Center; Awaiting Disposition of Court. Amend RSA 169-B:14 by inserting after paragraph III the following new paragraph:

IV. Whenever any court places a minor alleged to be delinquent at the youth development center awaiting disposition by the court, the city or town in which the minor, his parents, or legal guardian resided on January 1 preceding the commitment shall pay a fee of \$3 per diem to the youth development center for each day of residence. (Source. GB 106; HA 92)

93 Reimbursement of Funds for Recipients in Nursing Homes. Notwithstanding the provisions of RSA 167:18-b or of any other law, for the biennium ending June 30, 1985, nursing home payments to all nursing homes except state institutions made by the division of welfare for old age assistance recipients and aid to the permanently and totally disabled

## Amendment to HB 500

recipients shall be charged back to the legally liable county or town at the rate of 62.5 percent of the nonfederal share. (Source. GB 107; HA 93)

## 94 Amount of Assistance.

I. RSA 167:7 shall be suspended for the biennium ending June 30, 1985, and the provisions of this section shall apply.

II. The director of the division of welfare may establish consolidated standards of need for the adult programs it administers, subject to appropriated funds and subject to applicable federal regulations.

III. The director of the division of welfare may establish for the aid to families with dependent children program a consolidated standard of need, or a consolidated standard of need except for shelter, subject to the amount of appropriated funds and subject to applicable federal regulations.

IV. The director of the division of welfare shall determine the level of benefits in both programs so that the recipients shall be allowed to subsist compatibly with decency and health, subject to the amount of appropriated funds and subject to applicable federal regulations.

V. In determination of the amount of payments or other assistance under RSA 167 or RSA 161, due regard shall be given to the income and resources of recipients. The director shall give notice to and, in appropriate cases, consult with the proper officials of counties, cities, and towns required by RSA 167 to contribute to the cost of such assistance. (Source. GB 108; HA 94)

95 Application for Assistance. Notwithstanding the provisions of RSA 167:8 or of another law, for the biennium ending June 30, 1985, application for assistance under RSA 167 or RSA 161 shall be made in the

## Amendment to HB 500

first instance to the director of the division of welfare or his duly authorized agent. The application shall be in writing and upon a form prescribed by the division of welfare, subject to applicable federal regulations. The provisions of RSA 167:8 are hereby suspended for the biennium. (Source. GB 109; HA 95)

96 Designation of Medical Assistance Suspended. Notwithstanding the provisions of any other law, the designation of medical assistance provided in RSA 167:5 is hereby suspended for the biennium ending June 30, 1985. For the biennium, medical care and services provided individuals who receive or are otherwise eligible to receive financial assistance under the categories of old age assistance, aid to the needy blind, aid to families with dependent children, or aid to the permanently and totally disabled but do not receive such assistance shall be designated as categorically needy. Such medical assistance and services provided to individuals who would be categorically needy, except for the fact that the individuals have income or assets or both greater than the categorical standards for income or assets or both, shall be designated as medically needy. (Source. GB 110; HA 96)

97 Non-Lapsing Funds; Division of Welfare.

I. Notwithstanding any other provisions of law, the sum of \$1,031,558.50 in fiscal year 1983 included in the appropriation for PAU 05-03-04-03-01 (division of welfare) for MMIS system development shall not lapse until June 30, 1985. In fiscal years 1984 and 1985 the funds shall be located in PAU 05-02-04-04-03.

## Amendment to HB 500

II. Notwithstanding any other provisions of the law, the sum of \$350,000 fiscal year 1983 which is included in the following appropriations; PAU 05-03-04-07 child support enforcement \$325,000; PAU 05-03-04-09 domestic relations \$26,000; shall not lapse until June 30, 1985. In fiscal years 1984 and 1985 funds shall be located in PAU 05-02-04-04-03. (Source. HA 97)

98 Transfer Authority; Division of Mental Health and Developmental Services. Notwithstanding the provisions of sections 2 and 3 of this act or any other provision of the law, the director of mental health and developmental services is hereby authorized, with the prior approval of the fiscal committee and with the approval of governor and council, to make such transfers among program appropriation units and among any subcomponents and classes within those units numbered 05-02-05 (division of mental health and developmental services); 05-02-03 (Glenclyff home for the elderly); 05-02-06 (Laconia state school and training center); 05-02-97 (New Hampshire hospital) as he shall deem necessary or appropriate to most effectively meet the priorities and goals established therein. (Source. HA 98)

99 Effective Date.

I. Section 70 of this act shall take effect July 1, 1984.

II. Sections 83-85 of this act shall apply to taxes collected after September 30, 1983.

III. Sections 86-89 shall apply to returns and taxes on account of taxable periods beginning after June 30, 1983.

IV. The remainder of this act shall take effect July 1, 1983.

Rep. Chase moved that HB 500 be recommitted to the Committee on Appropriations, and spoke to his motion.

Reps. Bangs, Matthew Locke, Spirou, Jacobson, Daniell and Sackett spoke in favor of the motion.

Reps. Townsend, Rounds and Ward spoke against the motion.

Rep. Chardon moved the previous question. Sufficiently seconded. Adopted.

Rep. Chase requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 141 NAYS 230

YEAS 141

BELKNAP: Bolduc, Bowler, Gary Dionne, Matthew Locke and Zeckhausen.

CARROLL: Chase.

CHESHIRE: Barber, Boulter, Eugene Clark, Hickey, Elmer Johnson, Kennedy, Matson, David Meader, Michaelides, William Riley and William Sullivan.

COOS: Brideau, Coulombe, Pelletier and Theriault.

GRAFTON: Chambers, Copenhaver, Crory, Densmore, Girouard, Michael King, Wayne King, LaMott and Stewart.

HILLSBOROUGH: Abrams, Debora Ahern, Richard Ahern, Brack, Burkush, Cote, Cronin, Crotty, William Dion, Donovan, Dupont, Joseph Eaton, Gagnon, Galway, Harrington, Daniel Healy, Michael Jones, Katsiaficas, Evelyn King, Lamy, Leclerc, Lefebvre, David Lemire, Lynde, Lyons, Martineau, McGlynn, Migneault, Morrisette, Nelson, O'Rourke, Parmenter, Pressly, Quinn, Raiche, Peter Ramsey, Reidy, Resch, Robie, Roy, Soucy, Spirou, Mary Sullivan, Talbot, Turgeon, Vachon, John Wallace, Robert Wheeler, Winn and Zajdel.

MERRIMACK: Chynoweth, Samuel Clark, Daniell, Degnan, Jacobson, Maltais, Mercier, Pannell, Parriah, Louise Roberts, Lawrence Sullivan, Trombly and Wallner.

ROCKINGHAM: Bangs, Blanchard, Blanchette, Case, Cotton, Cressy, Hollingworth, Keenan, Kozacka, Krasker, Leslie, LoFranco, Joseph MacDonald, McLane, Newman, Popov, Rosencrantz, Sherburne, Splaine and Warburton.

STRAFFORD: Banks, Belhumeur, Bernard, Blouin, Bouchard, Chagnon, Chisholm, Couture, Demers, Albert Dionne, Donnelly, Fielding, Flynn, Grassie, Hamel, Hennessey, Hussey, Joos, Lussier, Pelley, Arnold Peters, Sackett, Schreiber, Gerald L. Smith and Timm.

SULLIVAN: Carlson, Converse and Susan Lawrence.

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BELKNAP: Bastrow, Birch, Dexter, French, Golden, Hardy, Robert Hawkins, Holbrook, Lamprey, Nighawander, Pearson, Randall, Sanders and David Whittemore.

CARROLL: Ashnault, Dickinson, Heath, Robert Holmes, Hraba, Kenneth MacDonald, McIntire, Murphy, Powers and Saunders.

CHESHIRE: Crane, Davis, Daniel Eaton, Galloway, Gordon, Grodin, Lane, Miller, Morse, Parker, Perkins, Perry, Margaret Ramsay and Scranton.

COOS: Harold Burns, Chappell, Chardon, Guay, David King, Langley, George Lemire, Valliere and York.

GRAFTON: Blair, Christy, Downing, Driscoll, Duggan, Easton, Harnish, Hutchings, Logan, Mann, McAvoy, Rounds, Stevens, Taffe, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Aris, Bass, Bergeron, Bolan, Boutwell, John Burns, Leslie Burns, Carragher, Charbonneau, Craig, Duffett, Duprey, Durant, Clyde Eaton, Fields, Ford, Grasso, Grip, George Hawkins, Head, Humphrey, Thomas Hynes, Jean, Kaklamanos, Kashulines, Keefe, Robert Kelley, Knight, Labombarde, John Lawrence, Levesque, Howard Mason, Nute, Paradis, Marjorie Peters, Ellen-Ann Robinson, Russell, Sallada, Silva, B. P. Smith, Leonard Smith, Steiner, Stylianos, James Sullivan, Sylvia, Tamposi, Van Loan, Wagner, Ware, Geraldine Watson, Harold Watson, Wells, Emma Wheeler, Kenneth Wheeler, Eleanor Whittemore, M. Arnold Wight and Lucille Wood.

MERRIMACK: Allgeyer, Anderson, Bardsley, Bibbo, Laurent Boucher, Bowes, Dean, Grosa, Mary Holmes, Kidder, Kinhan, LaBranche, Arthur Locke, McDonnell, Nichols, Phelps, Doris Riley, William Roberts, Walter Robinson, Rogers, Savaria, Shepard, Gerald R. Smith, Stark, Stio, Underwood and James Whittemore.

ROCKINGHAM: Ames, Belanger, Beliveau, Benton, Blaisdell, Blake, William Boucher, Burdick, Butler, Campbell, Carpenito, Connors, Danderson, Day, Drake, Ellyson, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Greene, Gregorio, John Hynes, Joslyn, Kane, Katsakiores, Glenden Kelley, Roger King, Longworth, Lovejoy, Mace, Malcolm, Robert Mason, William Moore, Nagel, Nevins, Newell, Palumbo, Parr, Quimby, Romoli, Scamman, Schmidtchen, Schwaner, Simon, Skinner, Sloan, Schalski, Stork, Sytek, Tavitian, Tufts, Vartanian, Vecchione, Walker, Webster and Woodward.

STRAFFORD: Appleby, Chamberlin, Dingle, Robert Jones, Kincaid, Paul Meader, Musler, Francis Robinson, Franklin Torr, Ralph Torr and Whiting.

SULLIVAN: Brodeur, Cutting, D'Amante, Gray, Ingram, Irwin, Paul Johnson, Palmer, Reney and Townsland, and the motion lost.

Because of a malfunction in Rep. LaMott's voting station, his vote was recorded as yea and should have been nay.

Question being on the Committee amendment.

Amendment adopted.

Rep. Kidder, for the Committee on Appropriations, offered an amendment.

Amendment

Amend RSA 31-A:5, II as inserted by section 24 of the bill by inserting after subparagraph (c) the following new subparagraph:

(d)(1) Notwithstanding any other provision of law, any city or town which has adopted a fiscal year ending in June is hereby authorized, at its option, to include as part of its revenue sharing distribution under this chapter for any fiscal year, ending on June 30, all or any part of the revenue sharing distribution installment due under this chapter on the

July 15 next following the fiscal year in which the option is exercised.

(2) The commissioner of revenue administration shall recognize said inclusion for purposes of his establishment and approval of the tax rate for such city or town, pursuant to RSA 71-A:30, II, for each fiscal year such option is exercised.

(3) Any fiscal year city or town is authorized for each fiscal year in which it exercises such option to issue revenue anticipation notes in an amount not to exceed the amount of the July 15 payment and the maturity date of which shall not exceed 60 days from the receipt of the July 15 payment.

Amendment adopted.

Rep. Bardsley offered an amendment.

Amendment

Amend PAU 1.03,04,01,01 by striking out same and inserting in place thereof the following:

	Fiscal year 1984	Fiscal year 1985
03 Resource Protection and Development		
04 Water resources board		
01 Water resources division		
01 Water resources board		
10 Personal services - permanent	276,927	278,223
11 Salary of chairman	35,551	35,551
20 Current expenses	58,100	58,100
23 Heating fuel and electricity	2,300	2,300
50 Other personal services	7,500	7,500
60 Benefits	62,998	63,271
70 In-state travel	22,000	22,000
80 Out-of-state travel	1,500	1,500
90 Groundwater resources	27,500	27,500
91 Stream flow gauging	50,976	55,853
94 Microfilming records and archives	8,000	3,000
Total	553,352	554,798
Estimated source of funds for water resources board	16,992	18,618
02 transfer from pub wks & hws	536,360	536,180
General fund		
Total	553,352	554,798

Amend PAU 1.03,03,03,04,04 by striking out same and inserting in place thereof the following:

03 Resource protection and development		
03 Resources and economic development		
03 Forestry and land resources		
04 Forest and land management		
04 Land management		
10 Personal services - permanent	58,266	59,047
20 Current expenses	550	550
60 Benefits	11,653	11,809
70 In-state travel	2,500	2,500
90 Other expenditures*	28,000	28,000

\* within this appropriation \$50,000 for the biennium has been provided for the state geologist.

Total		
Estimated source of funds for land management	100,969	101,906
General fund	100,969	101,906
Total	100,969	101,906
Total	943,724	954,532



Hearing no objection the Chair advised the Clerk to dispense with the reading of the amendment.

Rep. Bardsley explained her amendment, and withdrew her amendment.

Rep. Dickinson offered an amendment.

#### Amendment

Amend the bill by inserting before the effective date section the following new section and renumbering as necessary:

Vanity Number Plates. Amend RSA 261:89 (supp) as inserted by 1981, 146:1 as amended by striking out said section and inserting in place thereof the following:

261:89 Vanity Number Plates. The director is hereby authorized to design and to issue, under such rules as he shall deem appropriate, vanity number plates to be used on motor vehicles in lieu of other number plates. Such number plates shall be of such design and shall bear such letters or letters and numbers as the director shall prescribe, but there shall be no duplication of identification. All number plates bearing numbers up to and including 9999 shall be defined as vanity number plates. All vanity number plates or a changeable designation of the effective period thereof, as the director shall determine, shall be issued only upon application therefor, and upon payment of a special fee of \$25, said special fee to be in addition to the regular motor vehicle registration fee and any other number plate manufacturing fee otherwise required by law for the particular vehicle. All special fees collected under this section shall be paid to the state treasurer and distributed as provided by RSA 263:52.

Rep. Dickinson explained his amendment, and withdrew his amendment.

Rep. Spirou offered an amendment.

#### Amendment

Amend the bill by striking out paragraphs IV and V of section 23, Treasury Adjustments to Cities and Towns.

Amend the bill by striking out RSA 31-A:5, II as inserted by section 24, Distributions and inserting in place thereof the following:

II. If a city or town has adopted a fiscal year ending in June, the state treasurer, starting with the year 1985 and each year thereafter, shall make payments in installments as follows: 1/2 on September 15; and 1/2 on December 15. There is hereby appropriated for each fiscal year a sum sufficient to make the payments provided for by this section. The governor is authorized to draw his warrant for the sums appropriated by this section out of any money in the treasury not otherwise appropriated.

Amend the bill by inserting before the effective date the following new section and renumbering as necessary.

Education Aid. Notwithstanding the action taken by the acting governor and the advisory budget control committee on January 4, 1983, there shall be no reduction in the amounts of state revenues or grants or aid to be returned to the cities and towns under the following:

- I. Building aid, foundation aid, child benefit grants (PAU 06,03,03).
- II. School nutrition grants (PAU 06, 03, 22).
- III. Special education (PAU 06,03,26).
- IV. Skill centers - tuition and transportation (PAU 06,03,21).

Hearing no objection, the Chair advised the Clerk to dispense with the reading of the amendment.

Rep. Spirou explained his amendment.

Rep. LaMott spoke against the amendment.

Rep. Krasker spoke in favor of the amendment.

Rep. William Russell spoke against the amendment and yielded to questions.

The previous question was moved.

Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 153 NAYS 214

YEAS 153

BELKNAP: Bolduc, Gary Dionne and Golden.

CARROLL: None.

CHESHIRE: Barber, Boulter, Eugene Clark, Daniel Eaton, Hickey, Elmer Johnson, Kennedy, Matson, David Meader, Michaelides, William Riley and William Sullivan.

COOS: Brideau, Coulombe, Guay, Pelletier, Theriault and York.

CRAFTON: Chambers, Copenhaver, Crory, Densmore, Girouard, Harnish, Michael King and Wayne King.

HILLSBOROUGH: Abrams, Debora Ahern, Richard Ahern, Baker, Bergeron, Brack, Burkush, Cote, Cronin, Crotty, William Dion, Donovan, Dupont, Joseph Eaton, Gagnon, Galway, Daniel Healy, Jean, Michael Jones, Kaklamanos, Katsiaficas, Evelyn King, Lamy, Leclerc, Lefebvre, David Lemire, Levesque, Lynde, Lyons, McGlynn, Migneault, Morrisette, Nelson, O'Rourke, Parmenter, Pressly, Quinn, Raiche, Peter Ramsey, Reidy, Resch, Robie, Roy, B. P. Smith, Leonard Smith, Soucy, Spirou, Stylianos, Mary Sullivan, Talbot, Turgeon, Vachon, John Wallace, Robert Wheeler, Winn and Zajdel.

MERRIMACK: Bardsley, Chynoweth, Samuel Clark, Daniell, Degnan, Jacobson, Maltais, Mercier, Pannell, Parrish, Louise Roberts, Walter Robinson, Savaria, Lawrence Sullivan, Trombly and Wallner.

ROCKINGHAM: Belanger, Blanchard, Blanchette, Case, Connors, Cotton, Cressy, Hollingworth, John Hynes, Keenan, Kozacka, Krasker, Leslie, LoFranco, Joseph MacDonald,

McLane, William Moore, Newman, Popov, Rosencrantz, Sherburne, Splaine and Warburton.

STRAFFORD: Banks, Bernard, Blouin, Bouchard, Chagnon, Chamberlin, Chisholm, Couture, Demers, Albert Dionne, Donnelly, Fielding, Flynn, Grassie, Hamel, Hennessey, Hussey, Joos, Lussier, Pelley, Arnold Peters, Schreiber and Timm.

SULLIVAN: Carlson, Converse, D'Amante, Irwin, Paul Johnson and Susan Lawrence.

#### NAYS 214

BELKNAP: Bastraw, Birch, Dexter, French, Hardy, Robert Hawkins, Holbrook, Lamprey, Matthew Locke, Pearson, Randall, David Whittemore and Zeckhausen.

CARROLL: Ashnault, Chase, Dickinson, Heath, Robert Holmes, Hraba, Kenneth MacDonald, McIntire, Murphy, Powers and Saunders.

CHESHIRE: Crane, Davis, Galloway, Gordon, Grodin, Lane, Miller, Morse, Parker, Perkins, Perry, Margaret Ramsay and Scranton.

COOS: Harold Burns, Chappell, Chardon, David King, Langley, George Lemire and Valliere.

GRAFTON: Blair, Christy, Downing, Driscoll, Duggan, Easton, Hutchings, LaMott, Logan, Mann, McAvoy, Rounds, Stevens, Stewart, Taffe, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Arris, Bass, Bolan, Boutwell, John Burns, Leslie Burns, Carragher, Charbonneau, Craig, Duffett, Duprey, Durant, Clyde Eaton, Fields, Ford, Grasso, Grip, Harrington, George Hawkins, Head, Humphrey, Thomas Hynes, Kashulines, Keefe, Robert Kelley, Knight, Labombarde, John Lawrence, Martineau, Howard Mason, Nute, Paradis, Marjorie Peters, Ellen-Ann Robinson, Russell, Sallada, Silva, Steiner, James Sullivan, Sylvia, Tamposi, Van Loan, Wagner, Ware, Geraldine Watson, Harold Watson, Wells, Emma Wheeler, Kenneth Wheeler, Eleanor Whittemore, M. Arnold Wight and Lucille Wood.

MERRIMACK: Allgeyer, Anderson, Bibbo, Laurent Boucher, Bowes, Dean, Gross, Mary Holmes, Kidder, Kinhan, LaBranche, Arthur Locke, McDonnell, Nichols, Phelps, Doris Riley, William Roberts, Rogers, Shepard, Gerald R. Smith, Stark, Stio, Underwood and James Whittemore.

ROCKINGHAM: Ames, Bangs, Beliveau, Benton, Blaisdell, Blake, William Boucher, Burdick, Butler, Campbell, Danderson, Day, Drake, Ellyson, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Gregorio, Joslyn, Kane, Katsakiores, Glenden Kelley, Roger King, Longworth, Lovejoy, Mace, Malcolm, Robert Mason, Nagel, Nevins, Newell, Palumbo, Parr, Quimby, Romoli, Scamman, Schmidtchen, Schwaner, Simon, Skinner, Sloan, Sochalski, Stork, Sytek, Tavitian, Tufts, Vartanian, Vecchione, Walker, Webster and Woodward.

STRAFFORD: Appleby, Belhumeur, Dingle, Robert Jones, Kincaid, Paul Meader, Musler, Francis Robinson, Sackett, Gerald L. Smith, Franklin Torr, Ralph Torr and Whiting.

SULLIVAN: Brodeur, Cutting, Gray, Ingram, Palmer, Renee and Townsend, and the amendment lost.

Rep. James Demers offered an amendment.

#### Amendment

Amend the bill by striking out section 13, Tuition at Technical Institute and Vocational-Technical Colleges and by renumbering the remaining sections accordingly, including cross-references.

The Acting Assistant Clerk read the amendment.

Rep. Demers explained his amendment.

Rep. Scranton spoke against the amendment.

A roll call was requested. Sufficiently seconded.

Rep. Randall abstained from voting under Rule 16.

(Speaker presiding)

YEAS 133 NAYS 229

YEAS 133

BELKNAP: Bolduc, Bowler and Gary Dionne.

CARROLL: None.

CHESHIRE: Barber, Daniel Eaton, Hickey, Kennedy, Matson, David Meader, Michaelides, William Riley and William Sullivan.

COOS: Brideau, Coulombe, Guay, Pelletier, Theriault and Valliere.

GRAFTON: Chambers, Copenhaver, Crory, Densmore, Easton, Girouard, Michael King, Wayne King and Stewart.

HILLSBOROUGH: Abrams, Debora Ahern, Richard Ahern, Baker, Bergeron, Bolan, Burkush, Cote, Cronin, Crotty, William Dion, Donovan, Dupont, Joseph Eaton, Gagnon, Galway, Jean, Michael Jones, Kaklamanos, Katsiaficas, Evelyn King, Leclerc, Lefebvre, David Lemire, Lynde, Lyons, McGlynn, Morrisette, Nelson, O'Rourke, Parmenter, Pressly, Quinn, Raiche, Peter Ramsey, Reidy, Resch, Robie, Roy, Soucy, Spirou, Stylianos, Mary Sullivan, Talbot, Turgeon, Vachon, Robert Wheeler, Winn and Zajdel.

MERRIMACK: Chynoweth, Samuel Clark, Daniell, Maltais, Pannell, Parrish, Louise Roberts, Savaria, Gerald R. Smith, Lawrence Sullivan, Trombly and Wallner.

ROCKINGHAM: Belanger, Blanchard, Carpenito, Case, Connors, Cotton, Cressy, Thomas Gage, Hollingworth, Keenan, Kozacka, Krasker, Leslie, LoFranco, Joseph MacDonald, McLane, Newman, Popov, Rosencrantz and Splaine.

STRAFFORD: Banks, Belhumeur, Bernard, Blouin, Bouchard, Chagnon, Chisholm, Couture, Demers, Albert Dionne, Donnelly, Fielding, Flynn, Grassie, Hennessey, Joos,

Lussier, Arnold Peters, Sackett and Schreiber.

SULLIVAN: Carlson, Converse, Irwin, Paul Johnson and Susan Lawrence.

NAYS 229

BELKNAP: Bastraw, Birch, Dexter, French, Golden, Hardy, Robert Hawkins, Holbrook, Lamprey, Matthew Locke, Pearson, Sanders, David Whittemore and Zeckhausen.

CARROLL: Ashnault, Chase, Dickinson, Heath, Robert Holmes, Hraba, Kenneth MacDonald, McIntire, Murphy, Powers and Saunders.

CHESHIRE: Boulter, Eugene Clark, Crane, Davis, Galloway, Gordon, Grodin, Elmer Johnson, Lane, Miller, Morse, Parker, Perkins, Perry, Margaret Ramsay and Scranton.

COOS: Harold Burns, Chappell, Chardon, David King, Langley and George Lemire.

GRAFTON: Blair, Christy, Downing, Driscoll, Duggan, Harnish, Hutchings, LaMott, Logan, Mann, McAvoy, Rounds, Stevens, Taffe, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Arris, Bass, Boutwell, John Burns, Leslie Burns, Carragher, Charbonneau, Craig, Duffett, Duprey, Clyde Eaton, Fields, Ford, Grasso, Grip, Harrington, George Hawkins, Head, Humphrey, Thomas Hynes, Kashulines, Keefe, Robert Kelley, Knight, Labombarde, John Lawrence, Levesque, Martineau, Howard Mason, Migneault, Nute, Paradis, Marjorie Peters, Ellen-Ann Robinson, Russell, Sallada, Silva, B. P. Smith, Leonard Smith, Steiner, James Sullivan, Sylvia, Tamposi, Van Loan, Wagner, John Wallace, Ware, Geraldine Watson, Harold Watson, Wells, Emma Wheeler, Kenneth Wheeler, Eleanor Whittemore, M. Arnold Wight and Lucille Wood.

MERRIMACK: Allgeyer, Anderson, Bardsley, Bibbo, Laurent Boucher, Bowes, Dean, Degnan, Gross, Mary Holmes, Kidder, Kinhan, LaBranche, Arthur Locke, McDonnell, Mercier, Nichols, Phelps, Doris Riley, William Roberts, Walter Robinson, Rogers, Shepard, Stark, Stio, Underwood and James Whittemore.

ROCKINGHAM: Ames, Bangs, Beliveau, Benton, Blaisdell, Blake, Blanchette, Burdick, Butler, Campbell, Danderson, Day, Drake, Ellyson, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Greene, Gregorio, John Hynes, Joslyn, Kane, Katsakiores, Glenden Kelley, Roger King, Longworth, Lovejoy, Mace, Malcolm, Robert Mason, William Moore, Nagel, Nevins, Newell, Palumbo, Parr, Quimby, Romoli, Scamman, Schmidtchen, Schwaner, Sherburne, Simon, Skinner, Sloan, Sochalski, Stork, Sytek, Tavitian, Tufts, Vartanian, Vecchione, Walker, Warburton, Webster and Woodward.

STRAFFORD: Appleby, Chamberlin, Dingle, Hussey, Robert Jones, Kincaid, Paul Meader, Musler, Pelley, Francis Robinson, Gerald L. Smith, Timm, Franklin Torr, Ralph Torr and Whiting.

SULLIVAN: Brodeur, Cutting, D'Amante, Gray, Ingram, Palmer, Reney and Townsend, and the amendment lost.

Rep. Chambers offered an amendment.

Amendment

Amend the bill by striking out section 45, Layoff Provisions and by renumbering the remaining sections accordingly, including cross-references.

The Acting Assistant Clerk read the amendment.

Rep. Chambers explained her amendment.

Rep. Margaret Ramsay spoke against the amendment and yielded to questions.

Rep. Scamman spoke against the amendment.

A roll call was requested. Sufficiently seconded.

Rep. Randall abstained from voting under Rule 16.

(Speaker presiding)

YEAS 163 NAYS 193

YEAS 163

BELKNAP: Bolduc, Bowler, Dexter, Gary Dionne, Golden, Robert Hawkins and Nighswander.

CARROLL: None.

CHESHIRE: Barber, Boulter, Eugene Clark, Daniel Eaton, Hickey, Kennedy, Matson, David Meader, Michaelides, William Riley and William Sullivan.

COOS: Brideau, Coulombe, Guay, George Lemire, Pelletier, Theriault, Valliere and York.

GRAFTON: Chambers, Copenhaver, Crory, Densmore, Easton, Girouard, Hutchings, Michael King, Wayne King and Whitcomb.

HILLSBOROUGH: Abrams, Debora Ahern, Richard Ahern, Ahlgren, Baker, Bergeron, Burkush, Cote, Cronin, Crotty, William Dion, Donovan, Dupont, Durant, Joseph Eaton, Gagnon, Galway, Jean, Kaklamanos, Katsiaticas, Keefe, Evelyn King, Leclerc, Lefebvre, David Lemire, Lynde, Lyons, McGlynn, Migneault, Morrisette, Nelson, O'Rourke, Parmenter, Pressly, Quinn, Raiche, Peter Ramsey, Reidy, Robie, Roy, Soucy, Spirow, Mary Sullivan, Sylvia, Talbot, Turgeon, Vachon, Wagner, Robert Wheeler, Eleanor Whittemore, Winn and Zajdel.

MERRIMACK: Chynoweth, Samuel Clark, Daniell, Dean, Degnan, Mary Holmes, Jacobson, Kinhan, Maltais, McDonnell, Mercier, Pannell, Parrish, Louise Roberts, Walter Robinson, Rogers, Savaria, Gerald R. Smith, Stark, Lawrence Sullivan, Trombly, Underwood and Wallner.

ROCKINGHAM: Belanger, Beliveau, Blanchard, Blanchette, Burdick, Case, Connors, Cotton, Creasy, Hollingworth, Keenan, Kozacka, Krasker, Lealie, Joseph MacDonald, McLane, Newman, Popov, Rosencrantz, Skinner, Splaine, Warburton and Woodward.

STRAFFORD: Banks, Belhumeur, Bernard, Blouin, Bouchard, Chagnon, Chisholm, Couture, Demers, Albert Dionne, Donnelly, Flynn, Grassie, Hennessey, Joos, Lussier, Musler, Pelley, Arnold Peters, Sackett, Schreiber, Gerald L. Smith, Timm and Whiting.

SULLIVAN: Carlson, Converse, Irwin, Paul Johnson and Susan Lawrence.

# NAYS 193

BELKNAP: Bastraw, Birch, French, Hardy, Holbrook, Lamprey, Matthew Locke, Pearson, Sanders, David Whittemore and Zeckhausen.

CARROLL: Ashnault, Dickinson, Heath, Robert Holmes, Hraba, Kenneth MacDonald, McIntire, Murphy, Powers and Saunders.

CHESHIRE: Crane, Davis, Galloway, Gordon, Grodin, Elmer Johnson, Lane, Miller, Morse, Parker, Perkins, Perry, Margaret Ramsay and Scranton.

COOS: Harold Burns, Chappell, Chardon and David King.

GRAFTON: Blair, Christy, Downing, Driscoll, Duggan, Harnish, LaMott, Logan, Mann, McAvoy, Rounds, Stevens, Stewart, Taffe, Walter, Ward and Weymouth.

HILLSBOROUGH: Ahrens, Arnold, Arris, Bass, Bolan, Boutwell, John Burns, Leslie Burns, Carragher, Charbonneau, Craig, Duffett, Duprey, Fields, Ford, Grasso, Grip, George Hawkins, Head, Humphrey, Thomas Hynes, Michael Jones, Kashulines, Robert Kelley, Knight, Labombarde, John Lawrence, Levesque, Martineau, Howard Mason, Nute, Marjorie Peters, Ellen-Ann Robinson, Russell, Sallada, Silva, B. P. Smith, Leonard Smith, Steiner, Stylianos, James Sullivan, Tamposi, Van Loan, Ware, Geraldine Watson, Harold Watson, Wells, Emma Wheeler, Kenneth Wheeler, M. Arnold Wight and Lucille Wood.

MERRIMACK: Allgeyer, Anderson, Bardsley, Bibbo, Laurent Boucher, Bowes, Cross, Kidder, LaBranche, Arthur Locke, Nichols, Phelps, Doris Riley, Shepard and James Whittemore.

ROCKINGHAM: Ames, Bangs, Benton, Blaisdell, Blake, William Boucher, Butler, Campbell, Danderson, Day, Drake, Ellyson, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Greene, Gregorio, John Hynes, Joslyn, Kane, Katsakiores, Glenden Kelley, Roger King, LoFranco, Longworth, Lovejoy, Mace, Malcolm, Robert Mason, William Moore, Nagel, Nevins, Newell, Palumbo, Parr, Quimby, Romoli, Scamman, Schmidtchen, Schwaner, Sherburne, Simon, Sloan, Stork, Sytek, Tavitian, Tufts, Vartanian, Vecchione, Walker and Webster.

STRAFFORD: Appleby, Chamberlin, Dingle, Fielding, Hussey, Robert Jones, Kincaid, Francis Robinson, Franklin Torr and Ralph Torr.

SULLIVAN: Brodeur, Cutting, D'Amante, Gray, Ingram, Palmer, Renee and Townsend, and the amendment lost.

Rep. Spirou offered a further amendment.

## Amendment

Amend the bill by striking out section 60, Purchase of Table Wines; Discount and by renumbering the remaining sections accordingly, including cross-references.

The Acting Assistant Clerk read the amendment.

Rep. Spirou explained his amendment.

Rep. Schmidtchen spoke against the amendment.

Rep. William Russell spoke against the amendment and yielded to questions.

A roll call was requested. Sufficiently seconded.

Rep. Parrish abstained from voting under Rule 16.

(Speaker presiding)

YEAS 157 NAYS 198

YEAS 157

BELKNAP: Bolduc, Bowler, Gary Dionne, Golden, Matthew Locke, Nighswander and Zeckhausen.

CARROLL: Chase, Dickinson, Heath and Hraba.

CHESHIRE: Barber, Boulter, Eugene Clark, Daniel Eaton, Hickey, Kennedy, David Meader, Michaelides, William Riley and William Sullivan.

COOS: Brideau, Coulombe, Guay, Pelletier, Theriault, Valliere and York.

GRAFTON: Chambers, Copenhaver, Crory, Densmore, Easton, Girourard, Michael King, Wayne King and Stewart.

HILLSBOROUGH: Abrams, Debora Ahern, Richard Ahern, Baker, Bergeron, Burkush, Leslie Burns, Cote, Cronin, Crotty, William Dion, Donovan, Dupont, Durant, Joseph Eaton, Gagnon, Galway, Daniel Healy, Jean, Kaklamanos, Katsiaticas, Robert Kelley, Evelyn King, Lamy, Leclerc, Roland Lemire, Levesque, Lynde, Lyons, McGlynn, Migneault, Morrisette, Nelson, O'Rourke, Parmenter, Pressly, Quinn, Peter Ramsey, Reidy, Robie, Roy, Leonard Smith, Soucy, Spirou, Mary Sullivan, Talbot, Turgeon, Vachon, John Wallace, Robert Wheeler, Winn and Zajdel.

MERRIMACK: Chynoweth, Samuel Clark, Daniell, Degnan, Jacobson, Maltais, Mercier, Pannell, Doris Riley, Louise Roberts, Gerald R. Smith, Stark, Lawrence Sullivan, Trombly and Wallner.

ROCKINGHAM: Belanger, Beliveau, Blake, Blanchard, Burdick, Case, Connors, Cotton, Cressy, Hollingsworth, John Hynes, Keenan, Kozacka, Krasker, Leslie, LoFranco, Joseph MacDonald, McLane, Newman, Popov, Rosencrantz, Splaine and Stork.

STRAFFORD: Banks, Belhumeur, Bernard, Blouin, Bouchard, Chagnon, Chisholm, Couture, Demers, Albert Dionne, Donnelly, Fielding, Flynn, Grassie, Joos, Kincaid, Lussier, Musler, Pelley, Arnold Peters, Sackett, Schreiber, Timm and Ralph Torr.



SULLIVAN: Carlson, Converse, D'Amante, Irwin, Paul Johnson and Susan Lawrence.

NAYS 198

BELKNAP: Bastraw, Birch, Dexter, French, Hardy, Robert Hawkins, Holbrook, Lamprey, Pearson and Randall.

CARROLL: Ashnault, Robert Holmes, Kenneth MacDonald, McIntire, Murphy, Powers and Saunders.

CHESHIRE: Crane, Davis, Galloway, Gordon, Grodin, Elmer Johnson, Lane, Miller, Morse, Parker, Perkins, Perry, Margaret Ramsay and Scranton.

COOS: Harold Burns, Chappell, Chardon, David King and George Lemire.

CRAFTON: Blair, Christy, Downing, Driscoll, Duggan, Harnish, Hutchings, LaMott, Logan, Mann, McAvoy, Rounds, Stevens, Taffe, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Bass, Bolan, Boutwell, John Burns, Carragher, Charbonneau, Craig, Duffett, Duprey, Fields, Ford, Grasso, Grip, Harrington, George Hawkins, Head, Humphrey, Thomas Hynes, Michael Jones, Kashulines, Keefe, Knight, Labombarde, John Lawrence, Lefebvre, Martineau, Howard Mason, Nute, Marjorie Peters, Ellen-Ann Robinson, Russell, Sallada, Silva, B. P. Smith, Stylianos, James Sullivan, Sylvia, Tamposi, Van Loan, Wagner, Ware, Geraldine Watson, Harold Watson, Wells, Emma Wheeler, Kenneth Wheeler, Eleanor Whittemore, M. Arnold Wight and Lucille Wood.

MERRIMACK: Allgeyer, Anderson, Bardsley, Bibbo, Bowes, Dean, Gross, Mary Holmes, Kidder, Kinhan, LaBranche, Arthur Locke, McDonnell, Nichols, Phelps, Walter Robinson, Rogers, Savaria, Shepard, Stio, Underwood and James Whittemore.

ROCKINGHAM: Ames, Bangs, Benton, Blaisdell, Blanchette, William Boucher, Butler, Campbell, Danderson, Day, Drake, Ellyson, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Greene, Joslyn, Kane, Katsakiores, Glenden Kelley, Roger King, Longworth, Lovejoy, Mace, Malcolm, Robert Mason, William Moore, Nagel, Nevins, Newell, Palumbo, Parr, Quimby, Romoli, Scamman, Schmidtchen, Schwaner, Sherburne, Simon, Skinner, Sloan, Sochalski, Sytek, Tavitian, Tufts, Vartanian, Vecchione, Walker, Warburton, Webster and Woodward.

STRAFFORD: Appleby, Chamberlin, Dingle, Hennessey, Hussey, Robert Jones, Paul Meader, Francis Robinson, Gerald L. Smith, Franklin Torr and Whiting.

SULLIVAN: Brodeur, Cutting, Gray, Ingram, Palmer, Renee and Townsend, and the amendment lost.

Rep. Chambers offered a further amendment.

# Amendment

Amend the bill by striking out section 82, School Building Aid and by renumbering the remaining sections accordingly, including cross-references.

The Acting Assistant Clerk read the amendment.

Rep. Chambers explained her amendment.

Rep. Scranton spoke against the amendment.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 147 NAYS 210

YEAS 147

BELKNAP: Birch, Bolduc, Gary Dionne, Golden, Matthew Locke and Nighswander.

CARROLL: None.

CHESHIRE: Barber, Boulter, Eugene Clark, Daniel Eaton, Hickey, David Meader, Michaelides, Margaret Ramsay, William Riley and William Sullivan.

COOS: Bideau, Coulombe, Guay, Pelletier, Theriault, Valliere and York.

CRAFTON: Chambers, Copenhaver, Crory, Densmore, Girouard, Harnish, Michael King, Wayne King and Stewart.

HILLSBOROUGH: Abrams, Debora Ahern, Richard Ahern, Ahlgren, Baker, Bergeron, Burkush, Cote, Cronin, Crotty, William Dion, Donovan, Dupont, Joseph Eaton, Gagnon, Galway, Grip, Daniel Healy, Jean, Michael Jones, Kaklamanos, Katsiaficas, Evelyn King, Lamy, Leclerc, Roland Lemire, Lynde, Lyons, McGlynn, Migneault, Morrisette, Nelson, O'Rourke, Parmenter, Pressly, Quinn, Raiche, Peter Ramsey, Reidy, Resch, Robie, Ellen-Ann Robinson, Roy, Soucy, Spirou, Stylianos, Mary Sullivan, Talbot, Turgeon, Vachon, John Wallace, Robert Wheeler, Winn and Zajdel.

MERRIMACK: Bardsley, Bowes, Chynoweth, Samuel Clark, Daniell, Degnan, Kinhan, Mercier, Pannell, Parrish, Louise Roberts, Walter Robinson, Rogers, Savaria, Gerald R. Smith, Lawrence Sullivan, Trombly and Wallner.

ROCKINGHAM: Belanger, Blanchard, Blanchette, Case, Cotton, Cressy, Hollingworth, Keenan, Kozacka, Krasker, Leslie, LoFranco, Joseph MacDonald, McLane, Newman, Popov, Rosencrantz and Warburton.

STRAFFORD: Banks, Belhumeur, Bernard, Blouin, Chagnon, Chisholm, Couture, Demers, Albert Dionne, Donnelly, Fielding, Flynn, Grasseie, Hennessey, Joos, Pelley, Arnold Peters, Sackett, Schreiber and Timm.

SULLIVAN: Carlson, Converse, Irwin, Paul Johnson and Susan Lawrence.

NAYS 210

Amendment

BELKNAP: Bastraw, Bowler, Dexter, French, Hardy, Robert Hawkins, Holbrook, Lamprey, Pearson, Randall, Sanders, David Whittemore and Zeckhausen.

CARROLL: Ashnault, Dickinson, Heath, Robert Holmes, Hraba, Kenneth MacDonald, McIntire, Murphy, Powers and Saunders.

CHESHIRE: Crane, Davis, Galloway, Gordon, Grodin, Elmer Johnson, Lane, Miller, Morse, Parker, Perkins, Perry and Scranton.

COOS: Harold Burns, Chappell, Chardon, David King, Langley and George Lemire.

GRAFTON: Blair, Christy, Downing, Driscoll, Duggan, Easton, Hutchings, LaMott, Logan, Mann, McAvoy, Rounds, Stevens, Taffe, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Arris, Bass, Bolan, Boutwell, John Burns, Leslie Burns, Carragher, Charbonneau, Craig, Duprey, Durant, Fields, Ford, Grasso, Harrington, George Hawkins, Head, Humphrey, Thomas Hynes, Kashulines, Keefe, Robert Kelley, Knight, Labombarde, John Lawrence, David Lemire, Levesque, Martineau, Nute, Marjorie Peters, Russell, Sallada, Silva, B. P. Smith, Leonard Smith, Steiner, James Sullivan, Sylvia, Tamposi, Van Loan, Wagner, Ware, Geraldine Watson, Harold Watson, Wells, Emma Wheeler, Kenneth Wheeler, Eleanor Whittemore, M. Arnold Wight and Lucille Wood.

MERRIMACK: Allgeyer, Anderson, Bibbo, Laurent Boucher, Dean, Gross, Mary Holmes, Jacobson, Kidder, LaBranche, Arthur Locke, Maltais, McDonnell, Nichols, Phelps, Doris Riley, William Roberts, Shepard, Stark, Stio, Underwood and James Whittemore.

ROCKINGHAM: Ames, Bangs, Beliveau, Blaisdell, Blake, William Boucher, Burdick, Butler, Campbell, Danderson, Day, Drake, Ellyson, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Greene, John Hynes, Joslyn, Kane, Katsakiores, Glenden Kelley, Roger King, Longworth, Lovejoy, Mace, Malcolm, Robert Mason, William Moore, Nagel, Nevins, Newell, Palumbo, Parr, Quimby, Romoli, Scamman, Schmidtchen, Schwane, Sherburne, Simon, Skinner, Sloan, Sochalski, Stork, Sytek, Tavitian, Tufts, Vartanian, Vecchione, Walker, Webster and Woodward.

STRAFFORD: Appleby, Chamberlin, Dingle, Hussey, Robert Jones, Kincaid, Lussier, Paul Meader, Musler, Francis Robinson, Gerald L. Smith, Franklin Torr, Ralph Torr and Whiting.

SULLIVAN: Brodeur, Cutting, D'Amante, Gray, Ingram, Palmer and Reney, and the amendment lost.

Rep. Spirou offered a further amendment.

Amend the bill by striking out section 51, Extension of Road Toll Increase and by renumbering the remaining sections accordingly, including cross-references.

The Acting Assistant Clerk read the amendment.

Rep. Spirou explained his amendment.

Rep. LaMott spoke against the amendment and yielded to questions.

Rep. Chardon spoke against the amendment.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 106 NAYS 253

YEAS 106

BELKNAP: Bolduc, Bowler, Gary Dionne and Matthew Locke.

CARROLL: None.

CHESHIRE: Barber, Boulter, Eugene Clark, Hickey, David Meader, Michaelides, William Riley and William Sullivan.

COOS: Brideau, Guay, Theriault, Valliere and York.

GRAFTON: Chambers, Copenhaver, Crory, Girouard and Michael King.

HILLSBOROUGH: Abrams, Debora Ahern, Ahlgren, Baker, Bergeron, Burkush, Cote, Cronin, Crotty, William Dion, Donovan, Dupont, Joseph Eaton, Gagnon, Galway, Daniel Healy, Kaklamanos, Katsiaficas, Evelyn King, Lamy, Leclerc, David Lemire, Roland Lemire, Lyons, McGlynn, Migneault, Morrisette, O'Rourke, Parmenter, Quinn, Raiche, Peter Ramsey, Reidy, Robie, Roy, Soucy, Spirou, Stylianos, Mary Sullivan, Talbot, Turgeon, Vachon, Robert Wheeler, Winn and Zajdel.

MERRIMACK: Chynoweth, Maltais, Pannell, Parrish, Louise Roberts and Wallner.

ROCKINGHAM: Blanchard, Case, Hollingworth, Keenan, Kozacka, Krasker, Leslie, LoFranco, Joseph MacDonald, Newman, Popov and Rosencrantz.

STRAFFORD: Banks, Belhumeur, Bernard, Blouin, Chagnon, Chisholm, Couture, Demers, Albert Dionne, Donnelly, Fielding, Flynn, Grassie, Hennessey, Lussier, Arnold Peters, Schreiber and Ralph Torr.

SULLIVAN: Carlson, Converse and Irwin.

NAYS 253

BELKNAP: Bastraw, Birch, Dexter, French, Golden, Hardy, Robert Hawkins, Holbrook, Lamprey, Nighswander, Pearson, Randall, Sanders, David Whittemore and Zeckhausen.

CARROLL: Ashnault, Dickinson, Heath, Robert Holmes, Hraba, Kenneth MacDonald, McIntire, Murphy, Powers and Saunders.



CHESHIRE: Crane, Davis, Daniel Eaton, Galloway, Gordon, Grodin, Elmer Johnson, Lane, Miller, Morse, Parker, Perkins, Perry, Margaret Ramsay and Scranton.

COOS: Harold Burns, Chappell, Chardon, Coulombe, David King, Langley, George Lemire and Pelletier.

CRAFTON: Blair, Christy, Densmore, Downing, Driscoll, Duggan, Easton, Harnish, Hutchings, Wayne King, LaMott, Logan, Mann, McAvoy, Rounds, Stevens, Stewart, Taffe, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Richard Ahern, Ahrens, Arnold, Bass, Bolan, Boutwell, John Burns, Leslie Burns, Carragher, Charbonneau, Craig, Duprey, Durant, Clyde Eaton, Fields, Ford, Grasso, Grip, Harrington, George Hawkins, Head, Humphrey, Thomas Hynes, Jean, Kashulines, Keefe, Robert Kelley, Knight, Labombarde, John Lawrence, Levesque, Lynde, Martineau, Howard Mason, Nelson, Nute, Paradis, Marjorie Peters, Pressly, Resch, Ellen-Ann Robinson, Russell, Sallada, Silva, B. P. Smith, Leonard Smith, Steiner, James Sullivan, Sylvia, Tamposi, Van Loan, Wagner, John Wallace, Ware, Geraldine Watson, Harold Watson, Wells, Emma Wheeler, Kenneth Wheeler, Eleanor Whittemore, M. Arnold Wight and Lucille Wood.

MERRIMACK: Allgeyer, Anderson, Bardsley, Bibbo, Laurent Boucher, Boves, Samuel Clark, Daniell, Dean, Degnan, Gross, Mary Holmes, Jacobson, Kidder, Kinhan, LaBranche, Arthur Locke, McDonnell, Mercier, Nichols, Phelps, Doris Riley, William Roberts, Walter Robinson, Rogers, Savaria, Shepard, Gerald R. Smith, Stark, Stio, Lawrence Sullivan, Trombly, Underwood and James Whittemore.

ROCKINGHAM: Ames, Bangs, Belanger, Beliveau, Blaisdell, Blake, Blanchette, William Boucher, Burdick, Butler, Campbell, Danderson, Day, Drake, Ellyson, Flanagan, Harry P. Flanders, John Flanders, Beverly Gage, Thomas Gage, Greene, Gregorio, John Hynes, Joslyn, Kane, Katsakiores, Glenden Kelley, Roger King, Longworth, Lovejoy, Mace, Malcolm, Robert Mason, McLane, William Moore, Nagel, Nevins, Newell, Palumbo, Parr, Quimby, Romoli, Scamman, Schmidtchen, Schwaner, Sherburne, Simon, Skinner, Sloan, Sochalski, Stork, Sytek, Tavitian, Tufts, Vartanian, Vecchione, Walker, Warburton, Webster and Woodward.

STRAFFORD: Appleby, Bouchard, Chamberlin, Dingle, Hussey, Robert Jones, Joos, Kincaid, Paul Meader, Musler, Pelley, Francis Robinson, Sackett, Gerald L. Smith, Timm, Franklin Torr and Whiting.

SULLIVAN: Brodeur, Cutting, D'Amante, Gray, Ingram, Paul Johnson, Susan Lawrence, Palmer, Reney and Townsend, and the amendment lost.

Rep. Spirou offered a further amendment.

Amendment

Amend the bill by striking out section 65, Reducing Road Toll Shrinkage Allowances

and by renumbering the remaining sections accordingly, including cross-references.

The Acting Assistant Clerk read the amendment.

Rep. Spirou explained his amendment.

Rep. LaMott spoke against the amendment.

Rep. Spirou requested a roll call.

Sufficiently seconded.

(Speaker presiding)

YEAS 128 NAYS 238

YEAS 128

BELKNAP: Bolduc, Bowler, Gary Dionne, Golden and Matthew Locke.

CARROLL: Dickinson.

CHESHIRE: Barber, Boulter, Eugene Clark, Daniel Eaton, Hickey, Kennedy, David Meader, Michaelides, Perry, William Riley and William Sullivan.

COOS: Brideau, Coulombe, Theriault, Valliere and York.

CRAFTON: Chambers, Copenhaver, Crory, Densmore, Easton, Girouard, Michael King, Wayne King and Whitcomb.

HILLSBOROUGH: Abrams, Debora Ahern, Richard Ahern, Ahlgren, Baker, Bergeron, Burkush, Cote, Cronin, Crotty, William Dion, Donovan, Dupont, Joseph Eaton, Gagnon, Galway, Daniel Healy, Jean, Michael Jones, Kaklamanos, Katsiaficas, Robert Kelley, Evelyn King, Lamy, Leclerc, David Lemire, Roland Lemire, Lynde, Lyons, McClynn, Migneault, Morrisette, O'Rourke, Parmenter, Pressly, Raiche, Peter Ramsey, Reidy, Resch, Robie, Roy, Soucy, Spirou, Sylvia, Talbot, Turgeon, Vachon, Robert Wheeler, Winn and Zajdel.

MERRIMACK: Chynoweth, Samuel Clark, Daniell, Mercier, Pannell, Parrish, Louise Roberts, Gerald R. Smith, Trombly and Wallner.

ROCKINGHAM: Blaisdell, Blanchette, Case, Cotton, Cressy, Greene, Hollingworth, Keenan, Kozacka, Krasker, Leslie, Joseph MacDonald, McLane, Newman and Rosencrantz.

STRAFFORD: Banks, Belhumeur, Bernard, Blouin, Chagnon, Chisholm, Couture, Demers, Albert Dionne, Donnelly, Fielding, Flynn, Grassie, Lussier, Musler, Arnold Peters, Sackett, Schreiber and Ralph Torr.

SULLIVAN: Carlson, Converse and Susan Lawrence.

NAYS 238

BELKNAP: Bastraw, Birch, Dexter, French, Hardy, Robert Hawkins, Holbrook, Lamprey, Nighswander, Pearson, Randall, Sanders, David Whittemore and Zeckhausen.

CARROLL: Ashnault, Chase, Heath, Robert Holmes, Hraba, Kenneth MacDonald, McIntire, Murphy, Powers and Saunders.

CHESHIRE: Crane, Davis, Galloway, Gordon, Grodin, Elmer Johnson, Lane, Miller, Morse, Parker, Perkins, Margaret Ramsay and Scranton.

COOS: Harold Burns, Chappell, Chardon, Guay, David King, Langley, George Lemire and Pelletier.

GRAFTON: Blair, Christy, Downing, Driscoll, Duggan, Harnish, Hutchings, LaMott, Logan, Mann, McAvoy, Rounds, Stevens, Stewart, Taffe, Walter, Ward and Weymouth.

HILLSBOROUGH: Ahrens, Arnold, Bass, Bolan, Boutwell, John Burns, Leslie Burns, Carragher, Charbonneau, Craig, Duprey, Durant, Clyde Eaton, Fields, Ford, Grasso, Grip, Harrington, George Hawkins, Head, Humphrey, Thomas Hynes, Kashulines, Keefe, Knight, Labombarde, John Lawrence, Levesque, Martineau, Howard Mason, Nelson, Nute, Paradis, Marjorie Peters, Quinn, Ellen-Ann Robinson, Russell, Sallada, Silva, B. P. Smith, Leonard Smith, Steiner, Stylianos, James Sullivan, Mary Sullivan, Tamposi, Van Loan, Wagner, John Wallace, Ware, Geraldine Watson, Harold Watson, Wells, Emma Wheeler, Kenneth Wheeler, Eleanor Whittemore, M. Arnold Wight and Lucille Wood.

MERRIMACK: Allgeyer, Anderson, Bardsley, Bibbo, Laurent Boucher, Bowes, Dean, Degnan, Gross, Mary Holmes, Jacobson, Kidder, Kinhan, LaBranche, Arthur Locke, Maltais, McDonnell, Nichols, Phelps, Doris Riley, William Roberts, Walter Robinson, Rogers, Savaria, Shepard, Stark, Stio, Lawrence Sullivan, Underwood and James Whittemore.

ROCKINGHAM: Ames, Bangs, Belanger, Beliveau, Benton, Blake, Blanchard, William Bouchard, Burdick, Butler, Campbell, Carpenito, Danderson, Day, Drake, Ellyson, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Gregorio, John Hynes, Joslyn, Kane, Katsakiores, Glenden Kelley, Roger King, LoFranco, Longworth, Lovejoy, Mace, Malcolm, Robert Mason, William Moore, Nagel, Nevins, Newell, Palumbo, Parr, Popov, Quimby, Romoli, Scamman, Schmidtchen, Schwaner, Sherburne, Simon, Skinner, Sloan, Sochalski, Stork, Sytek, Tavitian, Tufts, Vartanian, Vecchione, Walker, Warburton, Webster and Woodward.

STRAFFORD: Appleby, Bouchard, Chamberlin, Dingle, Hennessey, Hussey, Robert Jones, Joos, Kincaid, Paul Meader, Pelley, Francis Robinson, Gerald L. Smith, Timm, Franklin Torr and Whiting.

SULLIVAN: Brodeur, Cutting, D'Amante, Gray, Ingram, Irwin, Paul Johnson, Palmer, Reney and Townsend, and the amendment lost.

Question being on the Committee report as amended, a roll call was requested. Sufficiently seconded.

(Speaker presiding)  
YEAS 243 NAYS 123  
YEAS 243

BELKNAP: Bastraw, Birch, Dexter, French, Hardy, Robert Hawkins, Holbrook, Lamprey,

Nighswander, Pearson, Randall, Sanders, David Whittemore and Zeckhausen.

CARROLL: Ashnault, Dickinson, Heath, Robert Holmes, Hraba, Kenneth MacDonald, McIntire, Murphy, Powers and Saunders.

CHESHIRE: Crane, Davis, Daniel Eaton, Galloway, Gordon, Grodin, Elmer Johnson, Lane, Miller, Morse, Parker, Perkins, Perry, Margaret Ramsay and Scranton.

COOS: Harold Burns, Chappell, Chardon, Guay, David King, Langley, George Lemire, Pelletier, Valliere and York.

GRAFTON: Blair, Christy, Downing, Driscoll, Duggan, Easton, Harnish, Hutchings, Wayne King, LaMott, Logan, Mann, McAvoy, Rounds, Stevens, Stewart, Taffe, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Arris, Bass, Bergeron, Bolan, Boutwell, John Burns, Leslie Burns, Carragher, Charbonneau, Craig, Duprey, Durant, Clyde Eaton, Fields, Ford, Grasso, Grip, Harrington, George Hawkins, Head, Daniel Healy, Humphrey, Thomas Hynes, Michael Jones, Kashulines, Keefe, Robert Kelley, Knight, Labombarde, John Lawrence, Levesque, Martineau, Howard Mason, Nute, Paradis, Marjorie Peters, Resch, Ellen-Ann Robinson, Russell, Sallada, B. P. Smith, Leonard Smith, Steiner, Stylianos, James Sullivan, Sylvia, Tamposi, Van Loan, Wagner, Ware, Geraldine Watson, Harold Watson, Wells, Emma Wheeler, Kenneth Wheeler, Eleanor Whittemore, M. Arnold Wight and Lucille Wood.

MERRIMACK: Allgeyer, Anderson, Bardsley, Bibbo, Laurent Boucher, Bowes, Dean, Gross, Mary Holmes, Jacobson, Kidder, Kinhan, LaBranche, Arthur Locke, McDonnell, Nichols, Pannell, Phelps, Doris Riley, William Roberts, Walter Robinson, Rogers, Savaria, Shepard, Stark, Stio, Underwood and James Whittemore.

ROCKINGHAM: Ames, Bangs, Belanger, Beliveau, Benton, Blaisdell, Blake, William Boucher, Burdick, Butler, Campbell, Carpenito, Danderson, Day, Drake, Ellyson, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Greene, Gregorio, John Hynes, Joslyn, Kane, Katsakiores, Glenden Kelley, Roger King, Longworth, Lovejoy, Mace, Malcolm, Robert Mason, William Moore, Nagel, Nevins, Newell, Palumbo, Parr, Quimby, Romoli, Scamman, Schmidtchen, Schwaner, Sherburne, Simon, Skinner, Sloan, Sochalski, Stork, Sytek, Tavitian, Tufts, Vartanian, Vecchione, Walker, Webster and Woodward.

STRAFFORD: Appleby, Belhumeur, Chamberlin, Dingle, Hennessey, Hussey, Robert Jones, Joos, Kincaid, Paul Meader, Musler, Francis Robinson, Gerald L. Smith, Timm, Franklin Torr, Ralph Torr and Whiting.

SULLIVAN: Brodeur, Cutting, D'Amante, Gray, Ingram, Paul Johnson, Palmer, Reney and Townsend.

NAYS 123

BELKNAP: Bolduc, Bowler, Gary Dionne, Golden and Matthew Locke.

CARROLL: Chase.

CHESHIRE: Barber, Boulter, Eugene Clark, Hickey, Kennedy, Matson, David Meader, Michaelides, William Riley and William Sullivan.

COOS: Brideau, Coulombe and Theriault.

GRAFTON: Chambers, Copenhaver, Crory, Densmore, Girouard and Michael King.

HILLSBOROUGH: Abrams, Debora Ahern, Richard Ahern, Ahlgren, Baker, Burkush, Cote, Cronin, Crotty, William Dion, Donovan, Dupont, Joseph Eaton, Gagnon, Galway, Jean, Kaklamanos, Katsiaticas, Evelyn King, Leclerc, David Lemire, Roland Lemire, Lynde, Lyons, McGlynn, Migneault, Morrisette, Nelson, O'Rourke, Parmenter, Pressly, Quinn, Raiche, Peter Ramsey, Reidy, Robie, Roy, Silva, Soucy, Spirou, Mary Sullivan, Talbot, Turgeon, Vachon, John Wallace, Robert Wheeler, Winn and Zajdel.

MERRIMACK: Chynoweth, Samuel Clark, Daniell, Maltais, Mercier, Parrish, Louise Roberts, Gerald R. Smith, Lawrence Sullivan, Trombly and Wallner.

ROCKINGHAM: Blanchard, Blanchette, Case, Cotton, Cressy, Hollingworth, Keenan, Kozacka, Krasker, Leslie, LoFranco, Joseph MacDonald, McLane, Newman, Popov, Rosencrantz and Warburton.

STRAFFORD: Banks, Bernard, Blouin, Bouchard, Chagnon, Chisholm, Couture, Demers, Albert Dionne, Donnelly, Fielding, Flynn, Grassie, Lussier, Pelley, Arnold Peters, Sackett and Schreiber.

SULLIVAN: Carlson, Converse, Irwin and Susan Lawrence, and HB 500 was ordered to third reading.

Reps. Duffett and Nickerson notified the Clerk that they wished to be recorded in favor of HB 500.

Rep. Degnan notified the Clerk that she wished to be recorded against HB 500.

HB 318-FN, relative to foundation aid. Refer for Interim Study.

The Committee previously sent HB 293 to Interim Study as that bill deals with foundation aid. HB 318 changes the formula for funding foundation aid. The Committee felt HB 318 should also be sent for Interim Study. Vote 18-0. Rep. Ellen-Ann Robinson for Education.

Referred for Interim Study.

SB 9, relative to the penalty for killing dogs. Ought to Pass with Amendment. This bill changes the penalty for an owner of a dog caught in the act of maiming or in close pursuit of deer, moose, caribou, sheep, cattle, swine or poultry from a misdemeanor to a

violation. Vote 17-0. Rep. Laura Pantelakos for Fish and Game.

Amendment

Amend RSA 466:36 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:  
466:36 Killing Dogs. Any conservation officer, state police officer, dog constable, or any New Hampshire certified police officer may kill any dog found in the act of maiming or in close pursuit of deer, moose, caribou, sheep, cattle, swine, poultry, or any domestic animal. No civil action for recovery of damages shall lie against any conservation officer, state police officer, dog constable, or any New Hampshire certified police officer while acting under authority granted herein. The owner or owners of any dog or dogs caught in the act of maiming or in close pursuit of deer, moose, caribou, sheep, cattle, swine, poultry, or any domestic animal shall be guilty of a violation and notwithstanding the provisions of Title LXII may be fined up to \$500.

Rep. Webster spoke against the amendment.

Rep. French spoke in favor of the amendment.

Amendment adopted.

Ordered to third reading.

HB 285-FN, relative to the inheritance tax. Inexpedient to Legislate.

Although House Bill 285-FN would raise a large amount of money, it appeared to the Committee that taxing direct descendants at a base of \$50,000 would affect middle and low income descendants most heavily. Those with little cash would be forced to sell or mortgage their homesteads to satisfy the New Hampshire tax. Estates of less than \$250,000 are exempt from the federal estate and legacy tax. By 1987, the federal exemption will be \$600,000. Vote 18-0. Rep. Marjorie Y. Peters for Ways and Means.

Rep. Daniell moved that the words, Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate, and spoke to his motion.

Rep. Peters spoke against the motion. Motion lost.

Resolution adopted.

VACATE

Rep. Head moved that the House vacate the reference of HB 726, relative to juvenile offenders at the youth development center, to the Committee on Health and Welfare.

Adopted.

The Speaker referred HB 726 to the Committee on State Institutions.

Rep. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption

only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourn today it be to meet Thursday, April 7, at 1:00 p.m.

Adopted.

#### LATE SESSION

Third reading and final passage

SB 9, relative to the penalty for killing dogs.

SB 13, relative to increasing the fee for a pheasant stamp; changing the season for taking pheasants; and repealing the limitation on stocking pheasants.

HB 411, relative to the public employee labor relations board.

HB 36-FN, relative to jurors' fees.

HB 190-FN, to provide for payment of ambulance service in unincorporated areas.

HB 407-FN, to update certain sections of the motor vehicle road toll laws.

HB 500, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1984, and June 30, 1985.

#### PERSONAL PRIVILEGE

Rep. Sara Townsend addressed the House under personal privilege.

Mr. Speaker. I would just like to say that although at times this afternoon it probably appeared as though we were playing some sort of game with no votes on amendment after amendment. I would like to have the record show that I for one, and I am sure for most of you who voted in the affirmative, did so knowing full well that we were voting for the best that we could give the state budget at this time. I would like the record to show that. It might be unpopular. I know my folks back home may need some explanations. I am ready to give them to them and I urge you to be ready to do the same. Thank you.

Rep. Rounds moved that Rep. Townsend's remarks be printed in the House Journal.  
Adopted.

Rep. Rounds moved that the House stand in recess for the purpose of Introduction of Bills and Enrolling Reports only.  
Adopted.

The House recessed at 4:40.

#### RECESS

(Rep. Rounds in the Chair)

Reps. Leonard Smith and Irwin offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 842, shall be by this resolution read a first and second time by the therein listed title, sent for printing,

and referred to the therein designated committee.

Adopted.

#### INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 842, relative to a residential consumers utility board. (Lynde of Hillsborough Dist. 20 - To Commerce, Housing and Consumer Affairs)

#### RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn.  
Adopted.

# HOUSE JOURNAL 17

*Thursday, 7Apr83*

The House assembled at 1:00 p.m., and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

O Thou who indwells in every life, lifting it now and then above the dominance of animal passion and greed, allow it to shine with the lights of love and joy and peace, making it a mirror of the beauties of the unseen world.

Let me this day stand for whatever is pure and true and just and good; for the advancement of true learning; for the redemption of daily business from the blight of self-seeking; for the rights of the weak and the oppressed; for cooperation to solve problems over fighting to prove who is right; for the recognition of the rich traditions of the past and for the hope of yet more glorious days to come. Amen.

Rep. Kenneth MacDonald led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Stimmell, James J. White, Waldron, Oleson, Cate, Paul Johnson, Gross and Walter Healy, the day, illness.

Reps. Vartanian, Horton, Nickerson, Day, Marjorie Peters, William Riley, D'Amante, Ralph Torr, Barber, Pevear and Bolan, the day, important business.

## INTRODUCTION OF GUESTS

The Speaker introduced John Tousignant, a student at Concord High School, elected Speaker for the Student Government Session to be held Saturday, guest of the Speaker.

Steve Russell, YMCA Youth in Government Program Director, guest of the Speaker; Barbara and Joan Easton, wife and daughter of Rep. Easton; German exchange students at the Gilford School, guests of Rep. Nighswander; Carl Hilgenberg, guest of Rep. Densmore; Jessica Abrams, daughter of Rep. Abrams; Mrs. Edwina Stewart and Helen Ford, wife and guest of Rep. Stewart; Mrs. Arthur Thompson and Mrs. Elizabeth Blalock, guests of Reps. James and David Whittemore; Mrs. Irvin Gordon, wife of Rep. Gordon.

## SENATE MESSAGES NONCONCURRENCE

HB 34-FN, providing for a single annual motor vehicle inspection and changing the inspection sticker fee.

## CONCURRENCE

HB 76-FN, establishing an account for the proceeds from the sale of fish food at fish hatchery vending machines.

HB 242-FN, making a supplemental appropriation to the office of the attorney general to settle the following cases: Hudson v. Dubois, et al.; Montague v. Youth Development Center; Shepard v. Armstrong; and Faucher, et al. v. Rothenberg, et al.

HB 208, relative to generic drug substitutes.

## REQUESTS CONCURRENCE WITH AMENDMENT

HB 49, relative to certain fish and game licenses for persons 68 years of age or older and blind. (Amendment printed SJ 4/5)

Rep. French moved that the House concur. Adopted.

## ENROLLED BILLS AMENDMENT

HB 99, extending immunity from liability for persons reporting incidents of adult abuse.

## Amendment

Amend section 1 of the bill by striking out lines 2, 3 and 4 and inserting in place thereof the following:

1979, 357:2 by striking out said section and inserting in place thereof the following:

The amendment to the bill changed the substance of the section, so that the amending language in the original bill is no longer applicable.

Adopted.

## VACATES

Rep. M. Arnold Wight moved that the House vacate the reference of HB 374, relative to home rule for siting hazardous waste facilities, to the Committee on Science and Technology.

Adopted.

The Speaker referred HB 374 to the Committee on Environment and Agriculture.

Rep. Beverly Gage moved that the House vacate the reference of HB 579, relative to the impact of computerizing state agencies, to the Committee on Legislative Administration.

Adopted.

The Speaker referred HB 579 to the Committee on Executive Departments and Administration.

Rep. Rounds offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 41 and 74, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.



INTRODUCTION OF SENATE BILLS  
First, second reading and referral

SB 41-FN, relative to certain positions in the department of revenue administration and authorizing the exchange of information with other states. (Executive Departments and Administration)

SB 74, increasing the small claim limit for the department of public works and highways. (Public Works)

Rep. Rounds moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.  
Adopted.

COMMITTEE REPORTS  
(Consent Calendar)

HB 359, transferring administration of old age and survivors insurance from the division of welfare to the state treasurer. Ought to Pass with Amendment.

The Committee feels that the New Hampshire Retirement System is a collection agency and is therefore a more appropriate department, rather than the State Treasurer, to handle this function. Vote 18-0. Rep. Evelyn S. Dean for Health and Welfare.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

transferring administration of old age and survivors insurance from the division of welfare to the board of trustees of the New Hampshire retirement system.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Transfer of Administration. Amend RSA 101:2, IV by striking out said paragraph and inserting in place thereof the following:

IV. The term "state agency" means the board of trustees of the New Hampshire retirement system and includes any subcommittee of the board of trustees created for the purposes of administering this chapter and to which the board of trustees has delegated any of its functions under this chapter, or any other agency duly designated to administer the provisions of this chapter by the governor and council in accordance with RSA 124:5;

2 Rules and Agreements. On the effective date of this act, any rules adopted by the commissioner of health and welfare under RSA 101, any agreements entered into by the commissioner of health and welfare as authorized by RSA 101, and any plans approved by the commissioner of health and welfare as authorized by RSA 101 shall continue in full force and effect as if they had been adopted, entered into, or approved, respectively, by the board of

trustees of the New Hampshire retirement system and shall remain in full force and effect until changed, amended or revised by the board of trustees as allowed under powers given to it under this act.

3 Effective Date. This act shall take effect 60 days after its passage.

Referred to Appropriations.

HB 386, requiring the state to pay for out-of-state placement of juveniles. Ought to Pass.

The Committee feels that the responsibility for court ordered placement of delinquent children in need of services is that of the state. Vote 21-0. Rep. Eugene S. Daniell for Health and Welfare.

Referred to Appropriations.

HB 340, establishing a judicial selection commission to recommend at least 3 candidates for all judicial appointments. Ought to Pass with Amendment.

This is an advisory commission similar to the working of the recommendations now offered by the New Hampshire Bar Association, but in addition to attorneys there will be input from the police and from each of the councilor districts to provide additional information on potential candidates as an informational source to assist the Governor. Vote 8-7. Rep. Frank J. Sylvia for Judiciary.

Amendment

Amend RSA 505-A:1, I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. A judicial selection commission is hereby established. The commission shall consist of: the president of the New Hampshire Chiefs of Police Association; 5 members of the New Hampshire Bar Association, to be appointed by the board of governors of the New Hampshire Bar Association; and one member of the general public who is not a member of the bar from each of the 5 executive councilor districts, to be appointed by the governor and council. The members shall annually elect a chairman from among themselves.

Amend RSA 505-A:2 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

505-A:2 Powers and Duties of the Judicial Selection Commission. The governor shall inform the chairman of the judicial selection commission when a vacancy occurs in a judicial position, and the chairman shall then convene the commission. The commission shall accept suggestions for candidates for judicial vacancies from the governor, the New Hampshire Bar Association, the general public, and from any other source which it deems to be appropriate. The commission members shall carefully screen all candidates for a judicial office



and shall, within 30 days after a vacancy has occurred, select at least 3 candidates for the governor and council's consideration. The commission shall submit all of its findings concerning each candidate along with its recommendations for the acceptance or rejection of each candidate to the governor and to the affected candidate.

HB 443-FN, requiring the Wentworth-Douglass hospital in Dover to make a payment in lieu of taxes. Inexpedient to Legislate.

The sponsors of this bill withdrew their support and requested inexpedient to legislate as the parties involved have already come to a mutually acceptable solution without seeking redress via the legislative process. Vote 15-0. Rep. Arnold W. Peters for Municipal and County Government.

HB 419, relative to the Laconia airport authority. Ought to Pass with Amendment. The Committee confirmed unanimous report as a housekeeping issue updating section and confirming members of the airport authority. Vote 15-0. Rep. Ezra B. Mann, II for Municipal and County Government.

#### Amendment

Amend the bill by striking out all after section 2 and inserting in place thereof the following:

3 Staggered Terms. Upon the effective date of this act, the current elected members of the appointive agency shall serve for the balance of their terms and until their successors are elected. At the first election following the effective date of this act, one member shall be elected for a term of 2 years and one member for a term of 3 years.

4 Effective Date. This act shall take effect upon its passage.

HB 423, relative to expenditure of funds by libraries. Ought to Pass. This bill permits municipal libraries to spend certain monies for general repairs and upgrading, and for the purchase of books, supplies and income-generating equipment. Vote 16-0. Rep. Eugene W. Clark for Municipal and County Government.

HB 435, legalizing a certain marker placed along the boundary between the towns of Lee and Barrington. Ought to Pass. This bill helps clear up a boundary problem between the towns of Barrington and Lee. Vote 14-0. Rep. David M. Perry for Municipal and County Government.

HB 321-FN, permitting the sweepstakes commission to conduct a new car lottery. Inexpedient to Legislate.

This bill is unnecessary; subject is covered under current statute. Vote 14-0. Rep. Robert R. Blaisdell for Regulated Revenues.

HCR 8, calling upon Congress and the President of the United States to pay for the full cost of providing public education for military dependents in New Hampshire. Ought to Pass with Amendment.

The Committee was of the unanimous opinion that the federal government has an obligation to meet its commitments to the school districts of municipalities which are impacted by military installations. Vote 11-0. Rep. Sara M. Townsend for State-Federal Relations.

#### Amendment

Amend the title of the resolution by striking out same and inserting in place thereof the following:

calling upon Congress and the President of the United States to pay for the full entitlement under Public Law 81-874, the cost of providing public education for military dependents in New Hampshire.

Amend the resolution by striking out the fifth paragraph after the title and inserting in place thereof the following:

Whereas, the federal government has paid the city of Portsmouth \$1327 for each such student, which is approximately 75 percent of the city's entitlement; and

Amend the resolution by striking out all after the resolving clause and inserting in place thereof the following:

That we, the members of the New Hampshire general court, do hereby call upon the Congress and the President of the United States to fulfill the obligations of the federal government under the impact aid program by paying for the full entitlement under Public Law 81-874, the cost of providing public education for military dependents in the state of New Hampshire; and

That a suitable copy of this resolution be sent by May 15, 1983, to the President of the United States, the majority leader of the senate, the speaker of the house, the minority leader of the senate, the minority leader of the house, the New Hampshire congressional delegation, and each of the following:

Senator Dale Bumpers  
Senator Alan Cranston  
Senator Robert Dole  
Senator John Glenn  
Senator Gary Hart  
Senator Ernest Hollings  
Representative Daniel Rostenkowski  
Secretary of Education, Terrell Bell.

SCR 2, urging the Congress of the United States to amend the United States Constitution to prohibit federally mandated programs without federal funds. Inexpedient to Legislate.

The majority of the Committee feels that to make recommendations to amend the

United States Constitution when the purpose of the Resolution could be achieved through legislation by Congress is wrong. Vote 9-2. Rep. Sara M. Townsend for State-Federal Relations.

HB 324, reapportioning the Rockingham county commissioner districts. Ought to Pass.

This is a fair plan and approved by the Rockingham County Delegation. Vote 9-0. Rep. Natalie S. Flanagan for Statutory Revision.

HB 362, allowing certain candidates to work as election officials. Inexpedient to Legislate.

This bill has appeared for the last 3 sessions and has not enough support for passage. Vote 9-0. Rep. Natalie S. Flanagan for Statutory Revision.

HB 363, relative to blind voters. Ought to Pass.

This allows blind voters to acknowledge assistance in marking absentee ballots. Vote 9-0. Rep. Natalie S. Flanagan for Statutory Revision.

HB 371, relative to state party conventions. Ought to Pass.

This bill gives more time for organization of the state convention. Vote 9-0. Rep. Natalie S. Flanagan for Statutory Revision.

HB 380, relative to reports required to be filed by certain political committees. Ought to Pass with Amendment.

This bill would avoid duplication of filing financial reports. Vote 8-0. Rep. Natalie S. Flanagan for Statutory Revision.

#### Amendment

Amend RSA 664:6, VIII as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

VIII. The provisions of this paragraph shall apply only to a political committee for an individual candidate who is seeking a federal office whose holder is chosen by the voters of this state only. Such a committee which is required by federal law to file with the federal government reports relative to receipts and expenditures in support of such one candidate may choose, at the time of registering under RSA 664:3, I, to file with the secretary of state copies of reports made to the federal government in accordance with the timetable established by federal laws for such reports in lieu of complying with the other reporting requirements of this section.

#### COMMITTEE REPORTS (Regular Calendar)

HB 85, requiring certain hunters to wear hunter orange. Majority: Ought to Pass. Minority: Inexpedient to Legislate.

MAJORITY: The majority of the Committee feel this bill is a good safety measure. Thirty-two states and six provinces already enforce this law. Vote 10-9. Rep. Marshall French for the Majority of Fish and Game.

MINORITY: The minority feels this bill will pit deer hunter against deer hunter and give younger hunters the idea that if "it's not orange shoot it." Also, this bill does not address the man working in the woods, archery hunter, muzzle loader hunter, the hiker, the child or anyone walking or biking on country roads and paths, or children playing in the woods. The Fish and Game Department's own records, of recent history of hunting accidents, do not warrant this bill. (Reps. Gerald R. Smith, George H. Hawkins, Herbert R. Drake, Milton A. Cate, Robert D. Hussey, Robert J. Brodeur, Clayton H. Crane, William W. Moore and Colon Chappell for the Minority of Fish and Game.)

Rep. George Hawkins moved that the report of the Minority, Inexpedient to Legislate, be substituted for the report of the Majority, Ought to Pass, and spoke to his motion.

Reps. Doris Riley, Pantelakos and Theriault spoke against the motion.

Reps. Drake, Hussey, Gerald R. Smith and Susan Lawrence spoke in favor of the motion and yielded to questions.

Reps. French and Rounds spoke against the motion and yielded to questions.

Rep. Russell moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 125 NAYS 225

YEAS 125

BELKNAP: Bowler, Dexter, Gary Dionne, Golden and Matthew Locke.

CARROLL: Dickinson, Heath, Robert Holmes and Hraba.

CHESHIRE: Boulter, Crane, Daniel Eaton, Galloway, Miller and Morse.

COOS: Coulombe, Guay, David King, George Lemire, Pelletier, Valliere and York.

GRAFTON: Downing, Duggan, Girouard, Stewart, Weymouth and Whitcomb.

HILLSBOROUGH: Debora Ahern, Richard Ahern, Baker, Boutwell, Brack, Duffett, Duprey, Durant, Galway, Grasso, George Hawkins, Hendrick, Humphrey, Katsiaficas, Labombarde, Lefebvre, Levesque, Lyons, Morrisette, Nute, Parmenter, Pressly, Reidy, Robie, Sallada, Soucy, Vachon, Roger Wallace, Ware, Harold Watson, Wells, Robert Wheeler and Lucille Wood.

MERRIMACK: Bardsley, Chynoweth, Samuel Clark, Jacobson, LaBranche, Arthur Locke, McDonnell, Mercier, Pannell, Parrish, Louise Roberts, William Roberts, Shepard and Gerald R. Smith.

ROCKINGHAM: Bangs, Belanger, Benton, Blaisdell, Blanchette, William Boucher, Bolter, Cressy, Drake, Ellyson, Gregorio, John Hynes, Kane, Keenan, Leslie, LoFranco, Longworth, Malcolm, McLane, William Moore, Popov, Rosencrantz, Schmidtchen, Sherburne, Sloan, Stork, Tufts, Walker and Webster.

STRAFFORD: Appleby, Dingle, Fielding, Grassie, Hussey, Robert Jones, Joos, Kincaid, Lussier, Musler, Arnold Peters, Gerald L. Smith, Timm, Franklin Torr, Whiting.

SULLIVAN: Brodeur, Carlson, Converse, Flint, Gray and Susan Lawrence.

NAYS 225

BELKNAP: Bastrow, Birch, Bolduc, French, Hardy, Robert Hawkins, Holbrook, Lamprey, Nighswander, Pearson, Randall, Sanders, David Whittemore and Zeckhausen.

CARROLL: Ashnault, Chase, Kenneth MacDonald, McIntire, Murphy and Powers.

CHESHIRE: Eugene Clark, Davis, Gordon, Grodin, Hickey, Elmer Johnson, Lane, Matson, David Meader, Michaelides, Parker, Perkins, Perry, Margaret Ramsay, Scranton and William Sullivan.

COOS: Harold Burns, Chappell, Chardon, Langley and Theriault.

GRAFTON: Blair, Chambers, Christy, Copenhaver, Crory, Densmore, Driscoll, Easton, Harnish, Hutchings, Michael King, Wayne King, LaMott, Logan, Mann, McAvoy, Rounds, Taffe, Walter and Ward.

HILLSBOROUGH: Abrams, Ahlgren, Ahrens, Arris, Bass, Bergeron, Burkush, John Burns, Leslie Burns, Carragher, Charbonneau, Cote, Craig, Cronin, Crotty, William Dion, Donovan, Drewniak, Dupont, Clyde Eaton, Joseph Eaton, Fields, Ford, Gagnon, Harrington, Head, Thomas Hynes, Jean, Kaklamanos, Kashulines, Keefe, Robert Kelley, Evelyn King, Knight, Lamy, John Lawrence, David Lemire, Lynde, Howard Mason, McGlynn, Migneault, Nelson, O'Rourke, Paradis, Quinn, Raiche, Peter Ramsey, Ellen-Ann Robinson, Roy, Russell, Silva, B. P. Smith, Leonard Smith, Spirou, Steiner, Stylianos, James Sullivan, Mary Sullivan, Sylvia, Talbot, Tamposi, Turgeon, Van Loan, Wagner, John Wallace, Geraldine Watson, Emma Wheeler, Kenneth Wheeler, Eleanor Whittemore, M. Arnold Wight, Winn and Zajdel.

MERRIMACK: Allgeyer, Anderson, Laurent Boucher, Bowes, Daniell, Dean, Degnan, Mary Holmes, Kidder, Kinhan, Maltais, Nichols, Phelps, Doris Riley, Walter Robinson, Rogers, Savaria, Stark, Stio, Trombly, Underwood, Wallner and James Whittemore.

ROCKINGHAM: Ames, Blake, Blanchard, Burdick, Campbell, Carpenito, Case, Cotton, Danderson, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Greene, Joelyn, Katsakiores, Glenden Kelley, Roger King, Kozacka, Krasker, Lovejoy, Mace,

Robert Mason, Nagel, Nevins, Newell, Newman, Palumbo, Pantelakos, Parr, Quimby, Romoli, Scamman, Schwane, Simon, Skinner, Sochalski, Splaine, Sytek, Tavitian, Warburton, Raymond Wood and Woodward.

STRAFFORD: Banks, Belhumeur, Bernard, Blouin, Bouchard, Chagnon, Chamberlin, Chisholm, Couture, Demers, Albert Dionne, Donnelly, Flynn, Hennessey, Paul Meader, Pelley, Francis Robinson, Sackett and Schreiber.

SULLIVAN: Cutting, Ingram, Irwin, Palmer, Reney and Townsend, and the motion lost.

Question being on the report of the Majority, Ought to Pass.  
Ordered to third reading.

The Speaker called for the Special Order.

HB 314, relative to vanity number plates for motor vehicles. Inexpedient to Legislate. Committee members reported having contacted many constituents who, if recognized as a fair sampling, would indicate strong public resistance to this bill. For this reason the increase in initial cost of vanity type plates, at the risk of doing great damage to a heretofore smoothly functioning program, cannot be overlooked. Vote 14-0. Rep. Paul E. Blouin for Transportation.

Resolution adopted.

HB 336, to permit local authorities to lower speed limits in thickly settled areas. Ought to Pass with Amendment.

This bill defines a thickly settled area and allows local authorities to set a speed limit in this area to not less than 25 miles per hour after proper engineering studies are made. Vote 13-3. Rep. Edward J. Crotty for Transportation.

Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Alteration of Speed Limit in Thickly Settled Areas. Amend RSA 265:63, I(c) as inserted by 1981, 146:1 by striking out said subparagraph and inserting in place thereof the following:

(c) Decreases the limit outside an urban district but not to less than 30 miles per hour; or

(d) Decreases the limit in a thickly settled area, as defined in RSA 259:107-a, but not to less than 25 miles per hour.

Amendment adopted.

Ordered to third reading.

SUSPENSION OF RULES

Reps. Scamman and Hickey moved that the Rules be so far suspended as to permit consideration at the present time of HR 32, requesting an opinion of the justices on HB

316, without referral to committee, printing, public hearing, committee report and notice in the Calendar.

Reps. Scamman, Rounds and Chambers spoke in favor of the motion.

Adopted by the necessary two-thirds.

#### HOUSE RESOLUTION NO. 32

requesting an opinion of the justices on HB 316.

WHEREAS, HB 316 would establish an alternate tax on business organizations which are currently subject to a tax on their net incomes under the business profits tax, RSA 77-A, and

WHEREAS, HB 316 establishes a class of property, "alternate business profits," intended to be distinct from "taxable business profits," or net profits, which are currently subject to taxation under RSA 77-A, and

WHEREAS, "alternate business profits," as defined in HB 316 means gross business income of the business organization, reduced by an adjustment, an apportionment factor and certain limited deductions, all as defined in the bill and in a proposed amendment, and

WHEREAS, HB 316 would impose a tax at a uniform rate of one percent on "alternate business profits," to be paid in the event the resulting tax, less allowable credits, exceeds the tax that would be payable by a business organization on its "taxable (net) business profits", and

WHEREAS, the stated purpose of the bill is to spread the burden of taxation more equally among all business organizations, now therefore, be it

RESOLVED by the House of Representatives:

That the Justices of the Supreme Court be respectfully requested to give their opinion upon the following questions:

1. Would establishment of "alternate business profits" as a class of property, as proposed and defined in HB 316, exceed a reasonable exercise of the General Court's power to classify property for purposes of taxation, under Part II, Article 6 of the New Hampshire Constitution?

2. Would enactment of HB 316 which provides for taxation of "alternative business profits," which is determined with no specific compensation deductions as an alternative to taxation of the business profits under RSA 77-A which allows a "reasonable compensation deduction," have the effect of impermissibly classifying taxpayers under Part I, Article 12 and Part II, Article 5 of the New Hampshire Constitution and as discussed by this Court in Opinion of the Justices, 106 N.H. 202 (1965)?

3. If the answer to questions 1 and 2 are in the negative, would imposition of a tax on "alternate business profits" at the uniform rate set forth in HB 316 offend the requirements for equality and proportionality mandated by Part I, Article 12 and Part II, Article 5 of the New Hampshire Constitution?

4. If the answers to questions 1, 2 and 3 are in the negative, would the

requirements of Part I, Article 12 and Part II, Article 5 of the New Hampshire Constitution be offended by the requirement of HB 316 that the tax on "alternate business profits" be paid if, after allowable credits, it would exceed the tax that would be payable by the business organization on "taxable (net) business profits" under RSA 77-A?

That the clerk of the House transmit 7 copies of this resolution to the Justices of the Supreme Court along with an equal number of copies of HB 316 and the proposed amendment to HB 316.

Rep. Scamman spoke in favor of HR 32.  
Ordered to third reading.

Rep. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourn today it be to meet Tuesday, April 19, at 1:00 p.m.

Adopted.

#### LATE SESSION

Third reading and final passage

HB 340, establishing a judicial selection commission to recommend at least 3 candidates for all judicial appointments.

HB 419, relative to the Laconia airport authority.

HB 423, relative to expenditure of funds by libraries.

HB 435, legalizing a certain marker placed along the boundary between the towns of Lee and Barrington.

HCR 8, calling upon Congress and the President of the United States to pay for the full entitlement under Public Law 81-874, the cost of providing public education for military dependents in New Hampshire.

HB 324, reapportioning the Rockingham county commissioner districts.

HB 363, relative to blind voters.

HB 371, relative to state party conventions.

HB 380, relative to reports required to be filed by certain political committees.

HB 85, requiring certain hunters to wear hunter orange.

HB 336, to permit local authorities to lower speed limits in thickly settled areas.

HR 32, requesting an opinion of the justices on HB 316.

Rep. Rounds moved that the House stand in recess for the purpose of Introduction of Bills and Enrolling Reports only.

Adopted.

The House recessed at 2:14 p.m.

RECESS



(Speaker Pro Tem in the Chair)

Rep. Parr offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill number 843, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee. Adopted.

#### INTRODUCTION OF HOUSE BILL

First, second reading and referral

HB 843-FN, regarding changes in the timber tax laws. (Mann of Grafton Dist. 5 - To Municipal and County Government)

#### RECESS

(Speaker Pro Tem in the Chair)

Rep. Chisholm offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Concurrent Resolution number 9, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committee. Adopted.

#### INTRODUCTION OF HCR

First, second reading and referral

HCR 9, expressing the intent of the general court with respect to operations of the division of welfare. (Head of Hillsborough Dist. 9; Copenhaver of Grafton Dist. 12; Craig of Hillsborough Dist. 3; Dean of Merrimack Dist. 13; Podles of Dist. 16; Poulsen of Dist. 2 - To Health and Welfare)

Rep. Chisholm offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 58, 80, 61, 51, 31, 68, and Concurrent Resolution Proposing Constitutional Amendment number 5, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees. Adopted.

#### INTRODUCTION OF SENATE BILLS AND CACR

First, second reading and referral

SB 58-FN, providing a limited hunting season for moose. (Fish and Game)

SB 80-FN, enabling municipalities to establish central business service districts. (Municipal and County Government)

SB 61, legalizing certain school district meetings and school district elections. (Municipal and County Government)

SB 51, holding evaluation committee members harmless for certain actions in regard to degree granting authority. (Education)

SB 31, permitting the broadcast of public notices on radio and television. (Statutory Revision)

SB 68, expanding the law enforcement authority of the director of safety services and allowing the regulation of so-called rafting and offshore anchoring. (Resources, Recreation and Development)

CACR 5, relating to the state mandating and assigning programs and responsibilities to towns and other political subdivision. Providing that, funding shall accompany any such mandate or assignment. (Constitutional Revision)

#### RECESS

(Speaker Pro Tem in the Chair)

Rep. M. Arnold Wight offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 55, 66, 69, 81, 84 and 98, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees. Adopted.

#### INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 55, relative to shooting human beings while on a hunting trip or shooting in the woodlands. (Judiciary)

SB 66-FN, relative to state guarantees for water pollution control projects and state contributions for the construction of pollution control systems. (Resources, Recreation and Development)

SB 69-FN, relative to retention of certain investments by town trustees. (Municipal and County Government)

SB 81, authorizing the water supply and pollution control commission to negotiate with the Environmental Protection Agency concerning delegation of national pollutant elimination discharge system responsibilities. (Resources, Recreation and Development)

SB 84, making a capital appropriation for the Manchester access ramp project. (Public Works)

SB 98, authorizing trustees of trust funds of towns and cities to place securities in nominee name in a bank trust department. (Municipal and County Government)

#### RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn. Adopted.

#### COMMITTEE ASSIGNMENT

Rep. Dennis H. Fields on Constitutional Revision

# HOUSE JOURNAL 18

*Tuesday, 19 Apr 83*

The House assembled at 1:00 p.m., and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

O Lord, we need Your help now more than ever as we feel pressure beginning to build around us. Deliver us from the stand of gritting our teeth and clenching our fists to shout "I will, I will." Rather let us relax, submit to Your will. The "I will" spells not obedience which is the power that we need to do the work that we are called to do.

Let us remember the Master who said, "My father is at work and I do His work." Let us acquire this attitude of working along with God, and others, to solve problems and prevent disasters and hurts.

Give us this day the relaxing spirit that will allow us to fully be present to the problems of today. Open to Your guidance, let us live this day in joy. Amen.

Rep. Krasker led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Stimmell, Waldron, Sallada, Brack, Zimmerman, Joseph MacDonald, Cutting, James J. White, Anderson, Carragher, Paul Meader, Cate and Fielding, the day, illness.

Reps. Jacobson, Perkins, D'Amante, Parr, David King, Flanagan, Brideau, Roland Lemire, Thomas Hynes, Blake and Perkins, the day, important business.

## INTRODUCTION OF GUESTS

Doris Chappell, wife of Rep. Chappell, Shannon Lamy, guest of Rep. Lamy, students from Exeter High School, guests of the Exeter Delegation.

Rep. Rounds offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill of Intent number 2002, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

## INTRODUCTION OF HOUSE BILL OF INTENT

First, second reading and referral

HBI 2002, studying how to encourage captive insurance companies to locate their

head offices in New Hampshire. (Smith of Hillsborough Dist. 9 - To Commerce, Housing and Consumer Affairs)

## SENATE MESSAGES CONCURRENCE

HB 74-FN, eliminating the \$50 limit on legislative mileage.

HB 203-FN, authorizing the town of Epping with voter approval to issue bonds to meet certain legal expenses and amending the establishment of authorized reserve funds.

HB 177, to amend the charter of St. Paul's School.

HB 60-FN, concerning school administrative unit number 18.

HB 122-FN, relative to sunset review of the higher education fund - UNH - continuing education.

HB 123-FN, relative to sunset review of the higher education fund - industrial and institutional development.

HB 124-FN, relative to sunset review of the higher education fund - agriculture experiment station.

HB 125-FN, relative to sunset review of the higher education fund - marine research and development.

HB 126-FN, relative to sunset review of the higher education fund - UNH cooperative extension service.

HB 128-FN, relative to sunset review of Keene State - board of education.

HB 157-FN, relative to sunset review of DRED - recreation services.

HB 166-FN, relative to taking wild black bear.

HB 168-FN, relative to wild turkey permit revenues and revenues for trapping education.

HB 193, establishing the second week of October as earth care week.

HB 119-FN, relative to sunset review of the higher education fund - Keene State College.

HB 120-FN, relative to sunset review of the higher education fund - Plymouth State College.

HB 197-FN, establishing a committee to propose a recodification of the agriculture, horticulture and animal husbandry laws in title XL and other RSA titles.

HB 327-FN, establishing fees for any publication produced by the department of fish and game.

HB 329, relative to gifts to the department of fish and game.

HCR 5, urging Congress to repeal the law requiring financial institutions to withhold 10 percent of interest and dividend payments.

## NONCONCURRENCE

CACR 4, relating to the size of the Senate. Providing that the Senate shall consist of 48 members.

HB 174, permitting the use of live bait when ice fishing on Lake Sunapee.

HB 196, relative to damage to domestic animals.

## CONCURRENCE WITH AMENDMENTS

SB 9, relative to the penalty for killing dogs.



SB 13-FN, increasing the fee for a pheasant stamp and setting the season for taking pheasant.

#### REQUESTS CONCURRENCE WITH AMENDMENT

HB 98, to provide for the referral of cases of serious bodily injury to the attorney general or county attorney. (Amendment printed SJ 4/7)

Rep. Sytek moved that the House concur. Adopted.

HB 80, relative to automobile warranties. (Amendment printed SJ 4/7)  
Rep. Quimby moved that the House concur. Adopted.

HB 75, permitting persons to execute terminal care documents. (Amendment printed SJ 4/12)

Rep. Sytek moved that the House concur. Adopted.

HB 71, relative to the treatment of horses. (Amendment printed SJ 4/7)

Rep. Greene moved that the House nonconcur and request a committee of conference.

Adopted.

The Speaker appointed Reps. Elmer Johnson, Gerald L. Smith, Shepard and Sherburne.

#### PERSONAL PRIVILEGE

Rep. Oleson addressed the House under personal privilege.

#### ENROLLED BILLS REPORT

CACR 3, relating to the date on which the votes for councilors are laid before the senate and house of representatives. Providing that the votes shall be laid before the senate and house of representatives on the first Wednesday following the first Tuesday in January.

HB 12, relative to the submission to the voters of a question relating to a charter revision, adoption or amendment.

HB 49, relative to certain fish and game licenses for persons 68 years of age or older and blind persons.

HB 54, to prohibit the sale of counterfeit drugs.

HB 60, concerning school administrative unit number 18.

HB 62, to require the use of child passenger restraints in certain motor vehicles.

HB 74, eliminating the \$50 limit on legislative mileage.

HB 76, establishing an account for the proceeds from the sale of fish food at fish hatchery vending machines.

HB 84, relative to the licensing for hunting and trapping wild birds and wild game.

HB 86, concerning taxation by the town of Derry of property within the East Derry fire precinct.

HB 99, extending immunity from liability for persons reporting incidents of adult abuse.

HB 203, authorizing the town of Epping, with voter approval, to issue bonds to meet certain legal expenses and amending the establishment of authorized reserve funds.

HB 208, relative to generic drug substitution.

Rep. Francis Donovan  
Sen. Laurier Lamontagne  
For the Committee.

#### ENROLLED BILLS AMENDMENT

HB 242-FN, making a supplemental appropriation to the office of the attorney general to settle the following cases: Hudson v. Dubois et al.; Montague v. Youth Development Center; Shepard v. Armstrong; and Faucher et al. v. Rothenberg et al.

#### Amendment

Amend section 1 of the bill by striking out lines 17 and 18 and inserting in place thereof the following:

action number 81-70-D. Such sums shall be settlement in full of all plaintiff's claims, including all claims for attorney's fees.

This amendment corrects a grammatical error and corrects mistakes in punctuation. Adopted.

HB 177, to amend the charter of St. Paul's School.

#### Amendment

Amend section 1 of the bill by striking out lines 1 and 2 and inserting in place thereof the following:

1 Membership Provision Deleted. Amend 1855, 1757:1 as amended

Amend section 2 of the bill by striking out lines 1 and 2 and inserting in place thereof the following:

2 Management and Control. Amend 1855, 1757:3 as amended

This amendment corrects the amending language in 2 places in the bill.

Adopted.

SB 10-FN, revising the park boundary line of Hilton State Park.

#### Amendment

Amend 1981, 363:1, I as inserted by section 1 of the bill by striking out line 2 and inserting in place thereof the following:

point in the existing easterly limited access right-of-way line of N.H. Route

Amend 1981, 363:1, I as inserted by section 1 of the bill by striking out lines 5 and 6 and inserting in place thereof the following:

center line, more or less, as shown on plans entitled, "Right-of-Way Layout for Little

Bay Bridge Widening, Newington-Dover - P-2222-D" dated April,

The amendments correct grammatical errors in the bill.

Adopted.

#### SUSPENSION OF RULES

Reps. Rounds and Spirou moved that the rules be so far suspended as to permit consideration of HB 304, relative to a registered nurse program offering an associate degree at the New Hampshire vocational technical college in Berlin and making an appropriation therefor; HB 239, amending the distribution of the timber yield tax to provide additional funding for lookout stations and other forest conservation purposes; HB 200, creating a state funded unified court system and making an appropriation therefor; HB 294, establishing a groundwater protection program and making an appropriation therefor, and HB 560, relative to the restructuring of the state mental health system and making an appropriation therefor, where they appear in the calendar, the Committees on Education, Environment and Agriculture, Judiciary, Public Works, Resources and Recreation and Development and State Institutions having reported after the deadline. (House Rule 58)

Adopted by the necessary two-thirds.

Rep. Rounds moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 568, establishing an advisory committee on long-term care, was removed at the request of Rep. Butler.

HB 444, changing the form of the elderly exemption to a standard deduction from the tax bill and repealing all other elderly exemptions, was removed at the request of Rep. Lynde.

HB 636, relative to internal investigation files on law enforcement officers, and HB 637, making written policy directives to police officers inadmissible in certain civil actions, were removed at the request of Rep. Rounds.

Adopted.

#### COMMITTEE REPORTS (Consent Calendar)

HB 289, requiring banks to cash government-issued checks for elderly and handicapped persons without charge. Inexpedient to Legislate.

This bill puts an unfair burden on the banks. It would make a teller who refused to cash a government check or a check made out to a handicapped person subject to a misdemeanor charge. The objective of this bill is worthwhile, but the Committee thought there were other ways to accomplish this. Vote 16-0. Rep. Tom Longworth for Commerce, Housing and Consumer Affairs.

HB 305, relative to regulation of rates for property and casualty insurance. Refer for Interim Study.

The concept of this bill has been noted favorably by the Sunset Committee. The Insurance Department is favorable, but with a different plan called "NET" Rating. This concept should be acted on carefully since it is a complete departure from the present insurance laws. The Committee felt an extensive, serious review should be given this legislation. Vote 19-0. Rep. William L. Roberts for Commerce, Housing and Consumer Affairs.

HB 335, relative to the eminent domain powers of housing authorities. Refer for Interim Study.

Passage of this bill at this time could prove to be a hardship to the Housing Authority of the State and be detrimental to a basic intent of the Committee which is to encourage the development of housing. Vote 20-0. Rep. Peter F. Wells for Commerce, Housing and Consumer Affairs.

HB 355, relative to the advertising and selling of cordwood and firewood. Inexpedient to Legislate.

The Committee feels that there is no way a truckload of logs in assorted sizes and lengths can be sold in cord units. RSA 359-A:35 covers transactions in wood in other manner than a cord. The market in wood by truckloads is not adaptable to delivery tickets or sales invoices, other than a receipt for money received. Vote 16-0. Rep. C. Dana Christy for Commerce, Housing and Consumer Affairs.

HB 376, relative to obtaining a commercial kennel license. Ought to Pass with Amendment.

This bill simply defines a "commercial kennel" and places it in RSA 466 "Group Licenses." The definition should be of help to Town Clerks in the issuing of licenses. Vote 14-0. Rep. C. Dana Christy for Commerce, Housing and Consumer Affairs.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

defining a commercial kennel.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Definition of Commercial Kennel. Amend RSA 466:4 by inserting after paragraph II the following new paragraph:

III. Fees for dogs licensed in a commercial kennel shall be based on the numbers of dogs licensed, as in RSA 466:6 for group licenses. For purposes of this paragraph, "commercial kennel" means the

establishment or domicile of any person who sells dogs at wholesale or retail; and, if retail, who sells or transfers 10 or more litters per year, or sells or transfers 50 or more puppies per year; or who derives 40 percent or more of his gross annual income from the sale or transfer of dogs.

2 Effective Date. This act shall take effect 60 days after its passage.

HB 379, to require dealers to display sticker prices on trucks. Ought to Pass with Amendment.

Because of the increasing use of light trucks as personal and family vehicles, the Committee felt that the stickers required to be affixed to the windows of new private passenger automobiles, offered for sale, should also be affixed to the windows of new light trucks.  
Vote 18-0. Rep. B. P. Smith for Commerce, Housing and Consumer Affairs.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

to require sticker prices on trucks.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 357-C the following new chapter:

#### CHAPTER 357-D REGULATION OF MANUFACTURERS, DISTRIBUTORS AND DEALERS OF NEW TRUCKS

357-D:1 Definitions. As used in this chapter:

I. "Motor Vehicle" means any motor vehicle as defined by RSA 357-C:1.

II. "Truck" means any motor vehicle with not more than 6 wheels which is intended, designed or constructed to carry not more than 2000 pounds of freight or merchandise.

III. "New truck" means any truck which has been sold only to a truck dealer by a manufacturer or distributor for the sale of that make of truck, which is in fact new, and on which the original title has not been issued from such dealer.

IV. "Truck dealer" means any person who:

(a) Is in the business of selling, offering to sell, soliciting or advertising the sale of new trucks, either as his primary business or incidental thereto; and

(b) Holds a valid sales and service agreement, franchise or contract, granted by the manufacturer or distributor for the sale of its new trucks.

V. "Manufacturer" means any person who manufactures or assembles new trucks or any partnership, firm, association, joint venture, corporation or trust, which is controlled by the manufacturer.

VI. "Distributor" means any person who sells or distributes new trucks to truck dealers.

357-D:2 Label Required. Every manufacturer or distributor of new trucks shall, before the delivery of any new truck to any truckdealer, securely affix a label to the window on the driver's side of such truck and shall clearly, distinctly and legibly endorse on such label correct entries disclosing the following information concerning such truck:

I. The make, model, and serial or identification number or numbers;

II. The final assembly point;

III. The name and the location of the place of business of the dealer to whom it is to be delivered;

IV. The name of the city or town at which it is to be delivered to such dealer;

V. The method of transportation used in making delivery of such truck if it is driven or towed from final assembly point to place of delivery;

VI. The retail price of such truck suggested by the manufacturer;

VII. The retail delivered price suggested by the manufacturer for each accessory or item of optional equipment, physically attached to such truck at the time of its delivery to such dealer, which is not included within the price of such truck as stated pursuant to paragraph VI;

VIII. The amount charged, if any, to such dealer for the transportation of such truck to the location at which it is delivered to such dealer; and

IX. The total of the amounts specified pursuant to paragraphs VI, VII, and VIII.

357-D:3 Confirmation by Dealer Required. Every truck dealer shall, before offering or displaying any new truck for sale, confirm that the label required by RSA 357-D:2 has been securely affixed to the window on the driver's side of such truck by the manufacturer or distributor and that the label clearly, distinctly and legibly discloses the required information. If a truck dealer finds that such a label is not affixed to a new truck, such dealer shall affix a label which meets the requirements of RSA 357-D:2. If a label is affixed but is incomplete or contains incorrect, unclear, indistinct or illegible information, such dealer shall correct the deficiencies of the label or remove the label and replace it with a label which meets the requirements of RSA 357-D:2.

#### 357-D:4 Penalties.

I. Any manufacturer or distributor who willfully fails to affix to any new truck the label required by RSA 357-D:2 shall be guilty of a misdemeanor and shall be fined not more than \$1000. Such failure with respect to each truck shall constitute a separate offense.

II. Any manufacturer or dealer who willfully fails to endorse clearly, distinctly and legibly any label as required by RSA 357-D:2 or who makes a false endorsement of any such label shall be guilty of a misdemeanor and shall be fined not more than \$1000. Such failure or false

endorsement with respect to each truck shall constitute a separate offense.

III. Any truck dealer who willfully fails to confirm that the label required by RSA 357-D:2 has been affixed to any new truck and that such label clearly, distinctly and legibly discloses the information required by RSA 357-D:2 or who willfully fails to take any corrective action required under RSA 357-D:3 shall be guilty of a misdemeanor and shall be fined not more than \$1000. Such failure with respect to each truck shall constitute a separate offense.

IV. Any person who willfully removes, alters or renders illegible any label affixed to a new truck pursuant to RSA 357-D:2, or any endorsement on such label, prior to the time that such truck is delivered to the actual custody and possession of the ultimate purchaser of such new truck, except in the event such truck is rerouted, repurchased or reacquired by the manufacturer of such truck, shall be guilty of a misdemeanor. Such removal, alteration, or rendering illegible with respect to each truck shall constitute a separate offense. The provisions of this paragraph shall not apply to any removal or alteration required pursuant to RSA 357-D:3.

2 Effective Date. This act shall take effect 60 days after its passage.

HB 391, amending certain banking laws. Ought to Pass with Amendment.

These amendments to the current banking law update the banking statutes to reflect actual practice and nomenclature. Vote 16-0. Rep. Elizabeth L. Crory for Commerce, Housing and Consumer Affairs.

#### Amendment

Amend RSA 384:16, II as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

II. The requirement of paragraph I that the instruments evidencing such borrowing be countersigned by 2 members of the board of trustees or directors shall not apply to repurchase agreements, also called repos, evidencing an indebtedness arising from the transfer of obligations of the United States or agencies thereof which the bank or company is obligated to repurchase.

Amend RSA 386:41 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

386:41 Special Guaranty Fund Established. When the net assets of the bank at the time of such vote are less than, or have been reduced by distribution among the stockholders under the provisions of RSA 386:40 to, 105 percent of the amount due the general depositors, the amount by which the net assets of the bank exceed the amount due the general depositors shall be set aside as a special guaranty fund which shall be increased each year by adding thereto the proportion of the bank's net annual earnings properly attributable to such guaranty fund, including annual additions theretofore made and shall be maintained as a special guaranty fund for the general deposits,

until such time as the commissioner shall find that the bank has built up a new guaranty fund equal to 5 percent of the amount due general depositors. Said special guaranty fund including the annual additions above provided for shall thereupon be distributed among the stockholders.

Amend the bill by striking out sections 8 and 9 and inserting in place thereof the following:

8 Commissioner Reducing Ratio of Capital Funds to Deposits. Amend RSA 387:18 as amended by striking out said section and inserting in place thereof the following:

387:18 Prudent Investments. Not exceeding 7-1/2 percent of the time and savings deposits of a savings bank or banking and trust company may be invested, subject to the limitations expressed in RSA 387:3, in securities which are not authorized investments under RSA 387:6 through 387:16 but which are prudent investments for such a bank to make, provided: (a) the bank making such investment shall have capital funds equal to 5 percent or more of its deposits, or equal to such lesser percentage of its deposits as the commissioner approves; and (b) the securities being purchased under the authorization of this section do not, when added to all other securities then owned by the bank, the purchase of which would not then be authorized by the other sections of this chapter, exceed 7-1/2 percent of its deposits.

9 New Language Available for Inclusion in Savings Bank Names. Amend RSA 386-A:2, I as inserted by 1965, 279:1 by striking out said paragraph and inserting in place thereof the following:

1. The name by which the corporation shall be known, which name shall include the words "savings bank," "institution for savings," "guaranty savings bank", "bank for savings," or abbreviations of any one of them, and may include the words "and trust company" or abbreviation thereof in the case of a corporation intending to exercise trust powers.

10 Dissenter Procedures of RSA 293-A Incorporated. Amend RSA 388:13 by striking out said section and inserting in place thereof the following:

388:13 Dissenting Stockholders.

I. Any stockholder of a bank shall have the right to dissent from, and to obtain payment for his shares in the event of, any merger, consolidation, or other union of banks under the provisions of this chapter. Such right shall be the same as the right provided for in RSA 293-A:81 with respect to mergers and consolidations of business corporations and shall be subject to the same limitations. Any stockholder of a bank electing to assert the right provided for by this section shall do so in accordance with the provisions of RSA 293-A:82, which provisions shall be binding upon the stockholder and upon the bank and shall in all respects govern the perfection and enforcing of the right provided for by this section.

II. If a proposed merger, consolidation, or other union of banks under



the provisions of this chapter is submitted to a vote at a meeting of stockholders, the notice of meeting shall notify all stockholders that they have or may have a right to dissent and obtain payment for their shares by complying with the terms of this section and of RSA 293-A:82 and shall be accompanied by a copy of this section, RSA 293-A:81, and RSA 293-A:82.

III. For purposes of this section, the term "stockholder" shall include the holder of a special deposit in a guaranty savings bank.

11 Effective Date. This act shall take effect 60 days after its passage.

HB 442-FN, exempting credit union depositors from the interest and dividends tax. Ought to Pass.

The law as it now stands requires credit union members to pay taxes to the State of New Hampshire on the interest and dividends received from their savings accounts. Persons with accounts in other financial institutions and banks are not required to pay New Hampshire taxes on interest earned. This bill puts depositors in credit unions on parity with depositors in other savings institutions. Testimony at the hearing was overwhelmingly in favor; the impact on revenue is minimal. Vote 14-0. Rep. C. Dana Christy for Commerce, Housing and Consumer Affairs.

HB 508-FN, to exempt seasonal tourist attractions from certain public utility commission requirements. Ought to Pass with Amendment.

The Public Utilities Commission currently sets the rates charged by ten seasonal tourist attractions. HB 508, as amended, will exempt seasonal tourist attractions from rate approval and requires the Public Utilities Commission through public hearings to identify seasonal tourist attractions. The Commission will continue to regulate safety. Relief from rates charged will allow these tourist attractions to respond to changing market conditions more easily. Vote 17-0. Rep. Elizabeth L. Crory for Commerce, Housing and Consumer Affairs.

#### Amendment

Amend RSA 378:1 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

378:1 Schedules. Every public utility shall file with the public utilities commission, and shall print and keep open to public inspection, schedules showing the rates, fares, charges and prices for any service rendered or to be rendered in accordance with the rules adopted by the commission pursuant to RSA 541-A; provided, however, that public utilities which serve as seasonal tourist attractions only, as determined in accordance with rules adopted by the commission pursuant to RSA 541-A, shall be exempt from the provisions of this chapter.

HB 514-FN, providing for the unlimited duration of rules adopted by the bank commissioner under RSA 394-A. Ought to Pass.

The rules adopted under 394-A are initiated only after a federal power has been granted to federal banks and three state chartered banks petition for similar powers. To insure the orderly conduct of banking for customers and the bank directors the Committee voted 20-0 to adopt this legislation which will allow the rules to remain effective indefinitely, unless they are amended or repealed in the same manner as initiated. Rep. Elizabeth L. Crory for Commerce, Housing and Consumer Affairs.

HB 573, relative to the exclusion or modification of warranties for consumer goods or services. Ought to Pass with Amendment.

HB 573 as amended clears language in Implied Warranties. The seller provides the buyer, in writing, with a notice that clearly informs the buyer, who must sign the notice, that the goods are being sold on an "as is" basis and that the entire risk as to the quality and performance of the goods is with the buyer. Vote 19-0. Rep. C. Dana Christy for Commerce, Housing and Consumer Affairs.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Implied Warranties. Amend RSA 382-A:2-316 (4) as inserted by 1959, 247:l by striking out said paragraph and inserting in place thereof the following:

(4) Notwithstanding the provisions of subsections (2) and (3) of this section, in any case in which goods are purchased primarily for personal, family or household use and not for commercial or business use (a consumer sale), disclaimers of the warranty of merchantability or fitness for a particular purpose shall not be effective to limit the liability of merchant sellers, unless the seller provides the buyer with a conspicuous writing which must be signed by the buyer and which clearly informs the buyer, prior to or at the time of the sale, in simple and concise language of each of the following:

(a) The goods are being sold on an "as is" or "with all faults" basis;

(b) The entire risk as to quality and performance of the goods is with the buyer; and

(c) If the goods prove defective after purchase, the buyer, not the manufacturer, distributor or retailer, shall assume the entire cost of all necessary servicing or repair.

If a consumer sale is made by means of a mail order catalog, the catalog may contain the required writing in lieu of the requirement of notification prior to the sale. The requirement that the writing be signed by the buyer shall not apply to such sales by means of a mail order catalog.

(5) Remedies for breach of warranty may be limited in accordance with the provisions of this article on liquidation or limitation of damages and on contractual modification or limitation of remedy (sections 2-718 and 2-719).

2 Effective Date. This act shall take effect 60 days after its passage.

HB 574, relative to an underground utility damage prevention system. Ought to Pass with Amendment.

Breaking into underground wire, pipelines and other public utility facilities can be costly. This bill will reduce the incidence substantially. Vote 16-0. Rep. Conrad L. Quimby for Commerce, Housing and Consumer Affairs.

#### Amendment

Amend RSA 374:48, III as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

III. "Excavation" means the removal of soil or rock on any public way or on any public utility right-of-way or easement to create an open space in the earth by means of any mechanical machine or device or by manual means, including, but not limited to, the discharge of explosives or the demolition of any structure. Excavation shall not include tilling the soil for agricultural purposes.

Amend RSA 374:55 as inserted by section 1 of the bill by inserting after paragraph II the following new paragraph:

III. Any company which does not mark the location of its underground facilities as required by RSA 347:53 shall be subject to a civil penalty of up to \$500.

IV. If underground facilities are damaged because a company does not mark its underground facilities as required by RSA 374:53, the company shall be subject to a civil penalty as provided in paragraph III and, in addition, shall be liable for any damages incurred by the excavator as a result of the company's failure to mark such facilities.

HB 595-FN, extending the period of time the public utilities commission may suspend a rate schedule under certain circumstances. Ought to Pass with Amendment.

This bill, as amended, allows the Public Utilities Commission six additional months when making a rate decision in a case where the inclusion of a new generating facility would more than double the existing rate base. Vote 15-2. Rep. Harold V. Lynde for Commerce, Housing and Consumer Affairs.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Rate Approval Period Extended. Amend RSA 378:6 by striking out said section and inserting in place thereof the following:

378:6 Suspension of Schedule.

1. Pending any investigation of a rate schedule and the decision thereon, the commission may, by an order served upon the

public utility affected, suspend the taking effect of said schedule and forbid the demanding or collecting of the rates, fares, charges or prices covered by the schedule for such period or periods, not to exceed 12 months in all, as in the judgment of the commission may be necessary for such investigation, except as provided in paragraph II.

II. If a public utility submits a rate schedule which incorporates a newly completed generating facility into the rate base and the capital investment for the new facility exceeds 50 percent of the total capital investment of the public utility, the commission may suspend the schedule as provided in paragraph I, except that such suspension shall not exceed 18 months. The total capital investment of the public utility shall include the capital investment of the new facility. The commission may suspend a schedule under this paragraph only once in relation to each new facility.

III. If for any reason the commission is unable to make its determination prior to the expiration of 6 months from the originally proposed effective date of a rate schedule, the public utility affected may place the filed schedule of rates in effect, pending expiration of such 12 or 18 months' suspension period, as provided in paragraph I or II, upon furnishing the commission with a bond in such form and with such sureties, if any, as the commission may determine. The bond and sureties, if any, shall secure the repayment to the customers of the public utility the difference, if any, between the amounts collected under said schedule of rates and the schedule of rates determined by the commission to be just and reasonable.

2 Effective Date. This act shall take effect 60 days after its passage.

HB 600, requiring purchasers of valuable, secondhand household items to hold them for 10 days before resale. Inexpedient to Legislate.

The Committee felt this proposed legislation would only serve contrary to the needs of flea market and antique dealers. Vote 13-0. Rep. Lucille T. Wood for Commerce, Housing and Consumer Affairs.

HB 628, increasing certain insurance coverage required for operating an aircraft. Ought to Pass with Amendment.

The Committee unanimously supported the Aeronautics Commission's request and felt that such aircraft "for hire" insurance coverage should provide for no less than \$100,000 for injury or death of any one person per accident and a minimum of \$300,000 for each accident. Vote 14-0. Rep. Lucille T. Wood for Commerce, Housing and Consumer Affairs.

#### Amendment

Amend the bill by striking out section one and inserting in place thereof the following:

1 Increasing Required Insurance Coverage. Amend RSA 422-A:5, 1(c) (supp) as inserted by 1977, 69:1 by striking out said



subparagraph and inserting in place thereof the following:

(c) If the accident involves an aircraft being operated for hire and results in bodily injury to or death of a person not a passenger, the policy provides coverage of not less than \$100,000 because of bodily injury to or death of one person in any one accident and a minimum of \$300,000 for each accident.

HB 639, relative to warranties in consumer sales. Refer for Interim Study. The Committee felt this was a complex issue and needed further study. Vote 20-0. Rep. Conrad L. Quimby for Commerce, Housing and Consumer Affairs.

HB 740, relative to the average daily balance method of billing. Ought to Pass with Amendment.

This measure, as amended, will afford the consumer valuable protection regarding credit transactions. Vote 14-0. Rep. Lucille T. Wood for Commerce, Housing and Consumer Affairs.

#### Amendment

Amend RSA 399-B:9 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

399-B:9 Average Daily Balance Method of Billing. No person engaged in the business of extending credit shall impose any finance charge on purchases or leases of goods or services purchased during any current billing cycle.

SB 23, relative to investments under the public employees deferred compensation plan. Inexpedient to Legislate.

This bill is similar to one introduced in the last term of the Legislature which was voted "inexpedient to legislate." Four members of the State's Deferred Compensation Plan; the State Treasurer, a senior representative of the State Comptroller; a representative of the Attorney General's Office; and a state employee appointed by the Governor, all testified that the plan was working well. The Insurance Commissioner originally favored the bill, but no longer supports it. The Committee concluded that the current method of handling the plan is both efficient and equitable, and that opening it up to many agents would unnecessarily complicate it and make it difficult to administer, and would not assure its integrity. Vote 13-0. Rep. B. P. Smith for Commerce, Housing and Consumer Affairs.

SB 39, exempting the Mount Washington Cog Railway from public utility commission jurisdiction over water companies. Ought to Pass.

This bill exempts the Cog Railway from the Public Utilities Commission regulations as they pertain to water company utilities. The Cog Railway sells water to only one customer - the State of New Hampshire re the Sherman

Adams Summit House on top of Mount Washington. Vote 16-0. Rep. Conrad L. Quimby for Commerce, Housing and Consumer Affairs.

HB 296, providing low cost loans for postsecondary education. Ought to Pass with Amendment.

Passage of HB 296 will enable students additional resources to fund their postsecondary education. Vote 17-0. Rep. Rita M. Brack for Education.

#### Amendment

Amend RSA 195-E:2 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

195-E:2 Definitions. In this chapter:

I. "Authority" means the New Hampshire higher educational and health facilities authority established under RSA 195-D:4.

II. "Loan corporation" means any corporation established under RSA 195-E:3. A loan corporation may make student loans to students of more than one qualified educational institution.

III. "Educational institution" means any institution for postsecondary or higher education as defined in RSA 195-D:3, V, and in addition means any institution which awards an undergraduate or advanced degree, whether located within or without the state of New Hampshire.

IV. "Qualified educational institution" means any educational institution whose principal campus or principal facilities are located within the state of New Hampshire.

V. "Eligible student" means any student attending a qualified educational institution and any New Hampshire resident attending an educational institution.

VI. "Foundation" means the New Hampshire higher education assistance foundation or any voluntary nonprofit corporation organized under RSA 292 by 5 members of the board of trustees of the New Hampshire higher education assistance foundation who have been duly authorized to do so by a 2/3 vote of the said board of trustees.

Amend RSA 195-E:4, I as inserted by section 4 of the bill by striking out same and inserting in place thereof the following:

I. A qualified educational institution may, by a 2/3 vote of its board of trustees or other governing body, agree to form a loan corporation for the purpose of providing low cost financial assistance to qualified students enrolled at the institution. The articles of agreement, articles of amendment, articles of merger, or agreement adopting the articles of agreement and bylaws of any existing loan corporation shall be signed by 5 members of the board of trustees or other governing body who are so authorized in writing by the board of trustees or other body. If a loan corporation is formed pursuant to RSA 195-E:3, I(a) or (b), the 5 members of the board of trustees or other governing body shall act as the incorporators of the loan corporation.

Amend the bill by striking out section 13 and inserting in place thereof the following:

13 Effective Date. This act shall take effect upon its passage.

HB 304-FN, relative to a registered nurse program offering an associate degree at the New Hampshire vocational technical college in Berlin and making an appropriation therefor. Ought to Pass.

This bill will expand the current practical nursing program at the Berlin Voc-Tech College to an Associate Degree Nursing Program, thus filling the crying need for R.N.'s in the North Country with local personnel, who find it extremely difficult to attend the Concord Technical Institute because of the distance to travel, family commitments, and a 5-week residential requirement at the Concord Technical Institute. Vote 19-0. Rep. William A. Riley for Education.

Referred to Appropriations.

HB 358, relative to degree granting authority. Ought to Pass with Amendment. This bill, as amended, allows the New Hampshire Technical Institute and Vocational Technical Colleges to grant appropriate degrees with degree approval being authorized by the Postsecondary Education Commission. Vote 18-0. Rep. Joanne A. O'Rourke for Education.

#### Amendment

Amend RSA 188-A:6-b as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

188-A:6-b Degree Granting Authority. Those who successfully complete a program of instruction at the technical institute or at a vocational-technical college shall receive an appropriate degree as authorized by the postsecondary education commission.

Amend section 2 of the bill by striking out same and inserting in place thereof the following:

2 Effective Date. This act shall take effect upon its passage.

HB 449, relative to teacher tenure. Ought to Pass with Amendment.

This bill clarifies the language of RSA 189:14-a. RSA 189:14-a now states that a teacher who has taught for 3 or more years may request a hearing before the School Board after the teacher has not been renominated or reelected. This bill changes the wording to 3 or more consecutive years of service. It also clarifies the issue of leaves of absence in that 3-year period. Vote 19-0. Rep. Ellen-Ann Robinson for Education.

#### Amendment

Amend RSA 189:14-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

189:14-a Failure to be Renominated or Reelected. Any teacher who has a professional standards certificate from the

state board of education and who has taught for one or more years in the same school district shall be notified in writing on or before March 31 if he is not to be renominated or reelected. Any such teacher who has taught for 3 or more consecutive years in the same school district and who has been so notified may request in writing within 5 days of receipt of said notice a hearing before the school board and may, in said request, ask for reasons for failure to be renominated or reelected. For the purposes of the 3 year period mentioned above, any leave of absence granted to a teacher shall not be considered to be an interruption in consecutive teaching service, nor shall it be considered as time served. The school board, upon receipt of said request, shall provide for a hearing on the request to be held within 15 days. The school board shall issue its decision in writing within 15 days of the close of the hearing.

HB 450-FN, relative to retention and disposition of official records of a school district. Ought to Pass with Amendment.

This bill requires school board members to establish a system of recordkeeping for all official records and allows a district to microfilm records with the requirement that two copies must be made and stored separately, at least one in a fireproof container. Vote 19-0. Rep. Ellen-Ann Robinson for Education.

#### Amendment

Amend RSA 189:29-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

189:29-a Records Retention and Disposition. Members of the school board shall establish a records retention and disposition schedule for all official records of the school district. If records are microfilmed, 2 films shall be made, properly labeled and stored in 2 different locations. At least one copy shall be stored in a fireproof container. Records which have been microfilmed may be retained or destroyed in accordance with the schedule determined by the members of the board. A complete record of all records destroyed or discarded shall be maintained along with notations of the methods and dates of disposal.

HB 464, authorizing adjustments to the boundary line between the Concord Union school district and the Merrimack Valley school district. Ought to Pass.

This bill authorizes the school boards of the Concord Union School District and the Merrimack Valley School District to enter into boundary line agreements. Clear procedures are defined regarding how the agreements are developed and approved. All interested parties were in accord at public hearing. Vote 20-0. Rep. James F. Kinhan for Education.

HB 536, relative to the protection of pupil's rights. Inexpedient to Legislate.

This bill proposes that school officials obtain the written consent of a child's parent before conducting a survey or school-related programs which would elicit personal information. The Committee feels current federal law, under the Hatch Amendment, local school board practices, and State Board policy address these concerns. Vote 19-0. Rep. Margaret A. Case for Education.

SB 26, relative to the membership of the postsecondary education commission. Ought to Pass.

This is simply a housekeeping bill. Dartmouth College was always considered a member of the Postsecondary Education Commission. Vote 15-0. Rep. Howard F. Mason for Education.

HB 171-FN, relative to current use assessment. Inexpedient to Legislate. This bill is so complicated it would be extremely difficult to administer. Furthermore, the problem is really not a current use problem. Vote 16-0. Rep. Frank J. Kozacka for Environment and Agriculture.

HB 239-FN, amending the distribution of the timber yield tax to provide additional funding for lookout stations and other forest conservation purposes. Ought to Pass with Amendment.

The Committee opposes user fees (an increase in the timber tax) to fund what it considers essential services (maintenance and funding of the existing fire towers). Further, the Committee proposes an amendment to the existing law (RSA 224:38) so as not to preclude aerial surveillance and other available means to augment the fire tower detection system. The Committee recommends that the bill, as amended, go to the Appropriations Committee for consideration and that continued funding for fire towers be a priority in the supplemental budget. Vote 16-0. Rep. Elmer L. Johnson for Environment and Agriculture.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to aerial surveillance for the discovery and control of forest fires.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Aerial Surveillance. Amend RSA 224:38 (supp) as amended by striking out said section and inserting in place thereof the following:

224:38 Surveillance and Detection of Forest Fires. The director of the division of forests and lands, with the consent of the commissioner of resources and economic development, is empowered to maintain the

present mountain lookout stations, to establish and maintain additional stations connected by telephone lines or radio communication, and to use aircraft and other available means for surveillance, detection, reporting, and control of forest fires, and shall have the right to receive and hold, in the name of the state, gifts of land for observatory sites and rights of way for paths and telephone and electric lines.

2 Effective Date. This act shall take effect upon its passage.

Referred to Appropriations.

HB 331, relative to weights and measures. Ought to Pass.

This bill was requested by the Department of Agriculture. It revises RSA 359-A:9 to conform with the provisions of RSA 359-A:17 for testing city standards and equipment. Vote 16-0. Rep. Eleanor M. Anderson for Environment and Agriculture.

HB 369-FN, relative to the exportation of livestock, poultry and the grading, marking and sale of eggs. Ought to Pass with Amendment.

This bill gives the Commissioner of Agriculture the power to issue health certificates, which he has been doing. Also, it repeals RSA 342:6 which is outdated. Vote 16-0. Rep. Eleanor H. Whittemore for Environment and Agriculture.

#### Amendment

Amend RSA 443:27-a, II as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

II. The commissioner may adopt rules, pursuant to RSA 541-A, for the preparation and issuance of health certificates authorized by paragraph I.

HB 428-FN, relative to current use taxation. Inexpedient to Legislate. The Current Use Advisory Board has already held a public hearing on Christmas tree land and has developed criteria in accordance with testimony from the public. Vote 14-1. Rep. Elmer L. Johnson for Environment and Agriculture.

HB 452-FN, making certain changes in the current use laws. Inexpedient to Legislate. Current use values are based on class, type, grade, location, and productivity of land. Arbitrarily changing values at this time and increasing penalties will cause widespread confusion and create problems regarding lands already being taxed in accordance with the law as it now stands. HB 451 further addresses problems which prompted introduction of this bill. Vote 14-0. Rep. Harry E. Flanders for Environment and Agriculture.

HB 455-FN, relative to current use assessment of certain land owned by the town located in another town. Inexpedient to Legislate.

There is a case pending in court regarding this problem and the Committee on Environment and Agriculture will be studying this problem in the interim after the court decision. Vote 15-0. Rep. Elmer L. Johnson for Environment and Agriculture.

HB 458-FN, relative to changing the current use law. Inexpedient to Legislate. The Board already conducts review of current use requirements and values and is empowered to make appropriate changes. This is a more flexible situation than would exist if rules were frozen into law. Vote 14-0. Rep. Frederick N. Timm for Environment and Agriculture.

HB 494-FN, exempting the Conway incinerator from the air pollution standards of the air resources agency. Inexpedient to Legislate.

In fairness to Conway and other towns and cities in New Hampshire, the Legislature should not grant additional time for a fruitless venture. The only other pit incinerators which were in use have both been shut down. The Committee concurs with the Air Resources Commission and the Solid Waste Bureau that Conway's efforts and money would be best directed towards finding a workable solution. Vote 16-0. Rep. Barbara B. Bowler for Environment and Agriculture.

HB 495-FN, relative to the land use change tax. Inexpedient to Legislate. This procedure would effectively negate the incentives for any landowner to put land into current use assessment. Vote 17-0. Rep. Marilyn R. Campbell for Environment and Agriculture.

HB 502, restricting current use valuation benefits to New Hampshire residents. Inexpedient to Legislate.

This bill is patently unconstitutional. Vote 17-0. Rep. Elizabeth A. Greene for Environment and Agriculture.

HB 515, relative to the disposition of unclaimed dogs. Inexpedient to Legislate. It is the feeling of the Committee that a more suitable bill could be written for introduction in the ensuing legislative session. There are just too many problems with the current bills. Vote 16-0. Rep. Eleanor M. Anderson for Environment and Agriculture.

HB 542, relative to spraying on power lines. Inexpedient to Legislate. The Committee was assured by 3 members of the Pesticides Board that this problem could and would be solved by rules and regulations. Legal written arrangements may be made with the Public Utilities Commission now. Vote 16-0. Rep. Eleanor H. Whittemore for Environment and Agriculture.

HB 716-FN, to increase the size of the current use advisory board. Inexpedient to Legislate.

The Committee members felt the size of the present Advisory Board is adequate with 11 members. Vote 16-0. Rep. Eleanor M. Anderson for Environment and Agriculture.

HB 249, relative to the New Hampshire marine fisheries board. Inexpedient to Legislate.

The subject matter in this bill is addressed by other legislation the committee is to consider. Vote 18-0. Rep. Kathleen W. Ward for Executive Departments and Administration.

HB 395-FN, permitting the naming of contingent beneficiaries for retirement benefits under the state retirement system. Ought to Pass.

The Committee agreed that this legislation is primarily housekeeping in that the naming of a contingent beneficiary or beneficiaries would aid in the distribution of a lump sum payment in the event of a member's death. Vote 10-0. Rep. William Gregorio for Executive Departments and Administration.

HB 415-FN, relative to the New Hampshire port authority. Inexpedient to Legislate.

The Committee believes that testimony overwhelmingly endorsed the present control of those facilities by the Department of Resources and Economic Development. In addition, the staff of the Port Authority is not adequate to assume the functions outlined in the legislation. Vote 20-0. Rep. V. Michael Hutchings for Executive Departments and Administration.

HB 476-FN, relative to the retirement allowance for early retirees. Ought to Pass.

The Committee agreed HB 476-FN corrects a drafting error concerning benefit eligibility for retirees who elect to retire at age 60. Vote 20-0. Rep. Janet Pelley for Executive Departments and Administration.

HB 544, removing the retirement system board of trustees from selecting and administering group life and health coverage for state employees. Refer for Interim Study.

The Committee believes that additional study is needed due to reorganization efforts before the Legislature. Vote 18-0. Rep. William Gregorio for Executive Departments and Administration.

HB 356, repealing certain statutes relative to fish and game matters. Ought to Pass with Amendment.

This bill repeals RSA 211:49 relative to codfish and repeals RSA 211:61-a relative to removing mussels from the middle grounds Hampton river harbor. Vote 16-0. Rep. Laura C. Pantelakos for Fish and Game.



## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

relative to the limitation on the use of certain devices for salt water fishing and cooperation with federal agencies.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

I Limiting the Use of Certain Devices for Salt Water Fishing. Amend RSA 211:49, II as inserted by 1973, 549:1 by striking out said paragraph and inserting in place thereof the following:

II. No person, except a resident commercial fisherman, shall use a purse seine or beam trawl or otter trawl towed from the side or the stern of any vessel for the taking of cod, haddock, pollack, hake, flounder, striped bass, coho salmon or crustaceans from the Atlantic ocean within 2 miles of the shore, excluding the Isles of Shoals, between the Maine line and the Massachusetts line, except that between December 15 and March 15 cod, haddock, pollack, hake, and flounder may be taken by any legal methods except by the use of a purse seine in the waters so described.

2 Cooperation with Federal Agencies. Amend RSA 211:61-b as inserted by 1965, 248:1 by striking out said section and inserting in place thereof the following:

211:61-b Cooperation with Federal Agencies. Notwithstanding any other provision of this chapter to the contrary, the executive director of the department of fish and game is hereby authorized to make application to the United States Department of Commerce for cooperation and assistance in the carrying out of projects authorized by the Congress of the United States under the provisions of the Commercial Fisheries Research and Development Act of 1964, as amended. Such funds as may become available for the purposes of improving and developing the natural resources of Seabrook Harbor under the terms of the Commercial Fisheries Research and Development Act may be used for purposes consistent with the regulations of the United States Department of Commerce.

3 Effective Date. This act shall take effect 60 days after its passage.

HB 385-FN, limiting the services of the fish and game department to private ponds that do not have public access. Ought to Pass with Amendment.

The Committee felt this bill was necessary because these ponds are now being stocked by the Fish and Game Department and they do not have unrestricted public access. Vote 14-0. Rep. Laura C. Pantelakos for Fish and Game.

## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

limiting the services the fish and game department may supply to certain private ponds that do not have public access.

Amend RSA 212:18-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

212:18-a Stocking of Private Ponds Limited.

I. The fish and game department shall not stock the following ponds unless the requirements of paragraph II are met:

- (a) Big Diamond pond in the town of Stewartstown.
- (b) Big and little Greenough ponds in the Magalloway area.
- (c) Big and little Bear ponds in the Magalloway area.
- (d) Dustin pond in the Magalloway area.
- (e) Little Millsfield (moose) pond in the Millsfield area.
- (f) Swett pond in the Millsfield area.
- (g) Signal pond in the Millsfield area.

II. If the land owner on which the ponds specified in paragraph I are located or the owner of the facilities controlling access to the ponds specified in paragraph I desires stocking of these ponds, an arrangement with the department of fish and game to pay all expenses estimated to be associated with a stocking request shall be made prior to any stocking.

HB 390, prohibiting the use of live animals as prizes. Refer for Interim Study. The Committee felt this bill warrants further study. Vote 14-0. Rep. Laura Pantelakos for Fish and Game.

HB 445-FN, to continue the operation of the Warren fish hatchery and close the Twin Mountain hatchery. Refer for Interim Study. The Committee felt this should be looked into further. Vote 16-0. Rep. Laura C. Pantelakos for Fish and Game.

HB 543-FN, relative to expending fines and forfeitures collected for fish and game violations on certain rewards. Refer for Interim Study.

The Committee felt this bill should be referred for interim study because information regarding a national program is being proposed. Vote 14-0. Rep. Laura Pantelakos for Fish and Game.

HB 204-FN, relative to licensing of health facilities. Inexpedient to Legislate. This bill has been incorporated into HB 448 as amended, and therefore the Committee voted Inexpedient to Legislate. Vote 15-0. Rep. Carole M. Nevins for Health and Welfare.

HB 425, authorizing advanced registered nurse practitioners to prescribe medications in certain circumstances. Ought to Pass.

This bill authorizes specially trained nurse practitioners to prescribe selected medications and expands the medical services available in the State. Vote 18-0. Rep. Matthew M. Sochalski for Health and Welfare.

HB 448-FN, relative to the health facilities licensing laws. Ought to Pass with Amendment.

The Committee felt this bill incorporated with HB 204 would strengthen licensing laws relative to health facilities. Vote 15-0. Rep. Lynn Joslyn for Health and Welfare.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Application for License. Amend RSA 151:4 by inserting after paragraph IV the following new paragraph:

V. The division of public health services in the department of health and welfare shall not accept or process the license application of a facility operating under suspension or revocation of a license until any violation of this chapter or of rules adopted thereunder has been corrected and the facility has paid to the division a reinspection fee equal to the annual license fee established in RSA 151:5.

Amend the bill by striking out all after section 2 and inserting in place thereof the following:

3 Warnings to Health Facilities. Amend RSA 151 by inserting after section 7 the following new section:

151:7-a Warnings.

I. The department of health and welfare, division of public health services may issue a warning, following the inspection provided for in RSA 151:6, to a licensed facility requiring compliance with the provisions of this chapter and the rules adopted under it. The warning shall state a time frame within which the facility shall comply with the directives of the warning.

II. If the department of health and welfare, division of public health services, issues a warning and order pursuant to paragraph I, the licensed facility shall pay to the department of health and welfare, division of public health services, a reinspection fee equal to 50 percent of the annual license fee, provided for in RSA 151:5. The provisions of this paragraph shall not apply to facilities exempted by RSA 151:4.

4 Reinstatement of Revoked or Suspended Licenses. Amend RSA 151 by inserting after section 8 the following new section:

151:8-a Reinstatement. The department of health and welfare, division of public health services, shall reinstate any license revoked or suspended under RSA 151:7 if correction has been accomplished and the facility has paid to the department of health and welfare, division of public health services, a reinspection fee equal to the annual license fee, provided for in RSA 151:5.

5 Rules. Amend RSA 151:9, I (supp) as inserted by 1979, 399:8 as amended by striking out said paragraph and inserting in place thereof the following:

I. The director of the division of public health services, department of health and welfare, may adopt rules, pursuant to RSA 561-A, relative to:

- (a) Standards for licensing and classifying facilities under this chapter.
- (b) Exemptions from licensing requirements.
- (c) License application requirements.
- (d) License expiration dates.
- (e) Inspections.
- (f) Procedures for reclassifying, denying, suspending and revoking licenses.
- (g) Procedures for issuing warnings.
- (h) Procedures for reinstating licenses.
- (i) Fees for witnesses at hearings.

6 Confidential Information. Amend RSA 151:13 by striking out said section and inserting in place thereof the following:

151:13 Information Confidential. Information other than reports relating to vital statistics received by the department of health and welfare, division of public health services, through inspection or otherwise, authorized hereunder shall be confidential and shall not be disclosed publicly except in a proceeding involving the question of licensure or revocation of license. The division may disclose such information after it denies, suspends or revokes a license pursuant to RSA 151:7, II. The division shall report any information relative to acts which appear contrary to accepted professional practices to the appropriate professional licensing board.

7 Definition. Amend RSA 151:19, II (supp) as inserted by 1981, 453:1 by striking out said paragraph and inserting in place thereof the following:

II. "Facility" means any hospital, or other facility, building, residence, private home, or other place or part thereof, licensed under the provisions of RSA 151:2.

8 Complaint Procedures. Amend RSA 151:20, II (supp) as inserted by 1981, 453:1 by striking out said paragraph and inserting in place thereof the following:

II. A facility shall establish written procedures to implement its policy to guarantee the patients' rights and shall include procedures for the investigation and resolution of complaints made by or on behalf of patients, families of patients or staff. The policy and procedures shall be clear and unambiguous and a written copy shall be available for inspection by anyone. A copy shall be distributed to each patient and his personal representative under RSA 151:22 and shall be available upon request and at cost to anyone.

9 Subdivision Heading. Amend the subdivision heading preceding RSA 151:19 by striking out said subdivision heading and inserting in place thereof the following:



## (Patients' Bill of Rights)

## AN ACT

10 References. Amend the following titles of sections, sections and paragraphs of sections of RSA by striking out in them the words "nursing home" and inserting in place thereof the following (facility) and making appropriate changes in grammar and punctuation as needed: RSA 151:19, V; RSA 151:20; RSA 151:23; RSA 151:24; RSA 151:25; RSA 151:26, I and III; RSA 151:27, RSA 151:28, I, II and V; RSA 151:29; and RSA 151:30, I and II.

11 Authority to Conform Laws. The director of legislative services is hereby authorized, with the approval of the speaker of the house and the president of the senate, to make changes in the printed version of all laws enacted by the 1983 session of the general court that may be necessary for the purpose of conforming the language of such legislation to the language of this act, providing that no substantive changes may thereby be made. Such authority shall expire upon the printing of the 1983 session laws.

12 Repeal. RSA 151:19, IV, relative to the definition of nursing home is hereby repealed.

13 Effective Date. This act shall take effect 60 days after its passage.

HB 459, requiring identification names and numbers on dentures and removable dental prostheses. Ought to Pass with Amendment. This bill will assist the forensic dentists in their work and also provide personal identification. Vote 19-0. Rep. Evelyn S. Dean for Health and Welfare.

## Amendment

Amend RSA 317-A:40 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

317-A:40 Dentist Work Orders. A dentist shall retain a duplicate copy of each work order for dentures or dental prostheses for a period of 7 years. The dentist shall include on the work order a request for denture identification. If the dentist or dental laboratory determines that the procedure is not practical or if the dentist determines that the procedure is not clinically safe, the written work order shall contain a statement to that effect.

HB 462, relative to the rights of blind or hearing impaired persons accompanied by a seeing eye or hearing ear dogs. Ought to Pass with Amendment.

This bill will grant the same privileges to a hearing impaired person as to a blind person. Vote 20-0. Rep. Emma B. Wheeler for Health and Welfare.

## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

relative to the rights of blind or hearing impaired persons accompanied by a dog guide or hearing ear dogs.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 167-C the following new chapter:

## CHAPTER 167-D

## Dog Guide and Hearing Ear Dogs

167-D:1 Definitions. As used in this subdivision:

I. "Blind person" means a person as defined by RSA 186-B:10, I.

II. "Deaf or hearing impaired person" means any person whose hearing is so severely impaired that he is unable to hear and understand normal conversational speech through the unaided ear alone, and who must depend primarily on supportive devices or visual communication such as writing, lip reading, sign language, and gestures.

III. "Dog Guide trainer" means any person who is employed by an organization generally recognized by agencies involved in the rehabilitation of the blind or deaf and hearing impaired as reputable and competent to provide dogs with training, and who is actually involved in the training process.

IV. "Housing accommodation" means any publicly assisted housing accommodation or any real property, or portion thereof, which is used or occupied, or is intended, arranged, or designed to be used or occupied, as the home, residence or sleeping place of one or more persons, but shall not include any single family residence the occupants of which rent, lease, or furnish for compensation not more than one room therein.

V. "Public facility" means any place of public accommodation and any street, highway, sidewalk, walkway, public building, and any other place or structure to which the general public is regularly, normally or customarily permitted or invited.

VI. A "place of public accommodation" shall mean, but shall not be limited to: any tavern roadhouse, hotel, motel, trailer camp, whether for entertainment of transient guests or accommodation of those seeking health, recreation or rest; any producer, manufacturer, wholesaler, distributor, retail shop, store, establishment, or concession dealing with goods or services of any kind; any restaurant, eating house or place where food is sold for consumption on the premises; any place maintained for the sale of ice cream, ice and fruit preparations or their derivatives, soda water or confections, or where any beverages of any kind are retailed for consumption on the premises; any garage, any public conveyance operated on land or water, or in the air, any stations and terminals thereof; any bathhouse, boardwalk, or seashore accommodation; any auditorium, meeting

place, or hall; any theatre, motion-picture house, music hall, roof garden, skating rink, swimming pool, amusement and recreation park, fair, bowling alley, gymnasium, shooting gallery, billiard and pool parlor, or any other place of amusement; any comfort station; any dispensary, clinic or hospital; any public library; any kindergarten, primary and secondary school, trade or business school, highschool, academy, college and university, or any educational institution under the supervision of the state board of education, or the commissioner of education of the state of New Hampshire.

167-D:2 Private Clubs, etc. Nothing herein contained shall be construed to include or apply to any institution, bona fide club, or place of accommodation, which is in its nature distinctly private; nor shall anything herein contained apply to any educational facility operated or maintained by a bona fide religious or sectarian institution; and the right of a natural parent or one in loco parentis to direct the education and upbringing of a child under his control is hereby affirmed; nor shall anything herein contained be construed to bar any private secondary or postsecondary school from using good faith criteria other than race, creed, color, national origin, ancestry or handicap in admission of students.

167-D:3 Dogs May Accompany. It is lawful for any dog guide or hearing ear dog to accompany his blind or deaf or hearing impaired master into any public facility, housing accommodation, or place of public accommodation to which the general public is invited, subject only to the conditions and limitations established by law and applicable alike to all persons.

167-D:4 Dog Guide Trainer. A dog guide trainer, while engaged in the actual training process and activities of guide dogs, shall have the same rights and privileges with respect to access to public facilities, and the same responsibilities as are applicable to a blind or deaf or hearing impaired person.

167-D:5 Hearing Ear Dog Identified. Any deaf or hearing impaired person using a hearing ear dog shall provide the dog with a bright yellow leash and harness.

167-D:6 Licensing. Dog guides and hearing ear dogs shall be licensed as provided in RSA 466.

167-D:7 Prohibited Acts.

1. It is unlawful for a person, directly or indirectly, either to prohibit, hinder, or interfere with a blind or deaf or hearing impaired master, who otherwise complies with the limitations applicable to sighted persons or persons with normal hearing.

11. It is unlawful for any person to fit a dog with a collar, leash or harness, of the type which represents that the dog is a dog guide or a hearing ear dog if in fact said dog is neither and to thus use the dog to misrepresent the physical status of said person.

167-D:8 Nonuse of Dog Guide. A deaf or hearing impaired person not using a dog guide in any of the places, accommodations

or conveyances listed in RSA 167-D, shall have all of the rights and privileges conferred by law upon other persons; and the failure of a deaf or hearing impaired person to use a dog guide in those places, accommodations or conveyances shall not be held to constitute nor be evidence of contributory negligence.

167-D:9 Penalty. Any person violating any provision of this chapter shall be guilty of a misdemeanor.

2 Exemption. Amend RSA 466:8 (supp) as amended by striking out said section and inserting in place thereof the following:

466:8 --Exemption From. No fee shall be required for the registration and licensing of a dog which has served with the forces of the United States and has received an honorable discharge therefrom. No fee shall be required for the registration and licensing of a dog guide which is used as a guide for a blind person or a hearing dog which is used by a deaf person. When a blind or a deaf or hearing impaired person is applying for a license, he shall present a proper identification card from a recognized dog guide or hearing ear dog training agency or school.

3 Rules of the Road. Amend RSA 265 by inserting after section 41 the following new section:

265:41-a Approaching a Hearing Ear Dog. The driver of a vehicle approaching a deaf or hearing impaired person using a properly identified hearing ear dog shall take all necessary precautions to avoid injury to that person, and any driver who fails to take such precautions shall be liable in damages for any injury caused to that person.

4 Repeal. RSA 167:42-a, relative to seeing eye and hearing dogs, is hereby repealed.

5 White Cane Law. Amend RSA 167-C:2 as inserted by 1971, 351:1 by striking out said section and inserting in place thereof the following:

167-C:2 Access to Public Facilities. The blind, the visually handicapped, and the otherwise physically disabled have the same rights and privileges as the able-bodied to the full and free use of the facilities enumerated in RSA 167-D. Every totally or partially blind person shall have the right to be accompanied in such facilities by a dog guide, especially trained for the purpose, without being required to pay an extra charge for the dog guide, provided that such person shall be liable for any damage done to the premises or facilities by such dog.

6 Penalty. Amend RSA 167-C:3 as inserted by 1971, 351:1 by striking out said section and inserting in place thereof the following:

167-C:3 Penalty. Any person or persons, firm or corporation, or the agent of any person or persons, firm or corporation who denies or interferes with the admittance to or enjoyment of the public facilities enumerated in RSA 167-D or otherwise interferes with the rights of totally or partially blind or otherwise disabled person as provided in RSA 167-C or RSA 167-D shall be fined not more than \$25.

7 Restaurant and Food Stores. Amend RSA 466:44 (supp) as inserted by 1971, 190:1 as amended by striking out said section and inserting in place thereof the following:

466:44 Restaurants and Food Stores. No person shall bring any animal into any restaurant or any store that sells food; and no person shall allow any animal to enter or remain in any restaurant or in any store that sells food, except as provided in RSA 167-D. Whoever violates the provisions of this section shall be guilty of a violation.

8 Effective Date. This act shall take effect 60 days after its passage.

HB 499-FN, increasing the period of discontinuation of or disqualification for food stamp assistance. Ought to Pass.

This bill will put New Hampshire in compliance with the rules and regulations that passed Congress and appeared in the Federal Register/Volume 48, No. 32, Feb. 15, 1983. Vote 15-2. Rep. Evelyn S. Dean for Health and Welfare.

HB 506-FN, to change the maximum age of juvenile court jurisdiction over minors charged with crimes from 18 to 16. Refer for Interim Study.

This bill would enact a major psychological change in the juvenile justice laws in our State, and the Committee feels that this bill should be studied with other pending legislation dealing with the same topic. Vote 19-0. Rep. Marion L. Copenhaver for Health and Welfare.

HB 510, relative to nursing home cost incentive programs. Ought to Pass with Amendment.

The Committee feels this act has been effective in curtailing nursing home costs and should be continued for another two years. Vote 16-0. Rep. Eugene S. Daniell for Health and Welfare.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Revised Effective Date. Amend 1979, 387:3 by striking out said section and inserting in place thereof the following:

387:3 Effective Date.

I. Section 1 of this act shall take effect October 1, 1980.

II. Section 2 of this act shall take effect October 1, 1985.

2 Effective Date. This act shall take effect upon its passage.

HB 516-FN, relative to eligibility and liability for certain public assistance. Ought to Pass with Amendment.

This bill strengthens the present law regarding eligibility for public assistance in cases of transfer of property. This also provides for recovery of funds advanced for medical assistance upon receipt of wards by the recipient. Vote 13-1. Rep. Joanne C. Head for Health and Welfare.

#### Amendment

Amend RSA 167:14-a, III as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

III. If a recipient of medical assistance shall receive a settlement or an award from a liable third person or party, such recipient shall repay the amount of medical assistance furnished by the state up to the amount of the award or settlement. No attorneys' fees shall be deducted from the amount due the state from such award or settlement.

HB 524-FN, regulating home health care agencies. Refer for Interim Study.

Testimony at the hearing and Committee discussion in executive session revealed a number of problems which will require further study. Vote 17-0. Rep. Joseph A. MacDonald for Health and Welfare.

HB 605-FN, relative to interference with custody. Ought to Pass with Amendment.

The amendment changes from a misdemeanor to a class B felony when child is taken out-of-state. Vote 17-1. Rep. Emma B. Wheeler for Health and Welfare.

#### Amendment

Amend RSA 633:4 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

633:4 Interference with Custody.

I. A person is guilty of a class B felony if:

(a) He knowingly takes from this state or entices away from this state any child under the age of 18, or causes any such child to be taken from this state or enticed away from this state, with the intent to detain or conceal such child from a parent, guardian or other person having lawful charge of such child; and

(b) He does not have a right of custody with respect to such child.

II. A person is guilty of a misdemeanor if:

(a) He knowingly takes, entices away, detains or conceals any child under the age of 18, or causes any such child to be taken, enticed away, detained or concealed, with the intent to detain or conceal such child from a parent, guardian or other person having lawful charge of such child; and

(b) He does not have a right of custody with respect to such child.

HB 606-FN, to increase the standard workweek and salary for welfare fraud investigators and the chief of investigations. Inexpedient to Legislate.

This bill would require the state to pay special welfare fraud investigators at a rate of 48 hours for 40 hours of work performed. The Committee feels that this is unfair to the other state employees. Vote 14-0. Rep. James B. Craig for Health and Welfare.

HB 607-FN, to provide for recovery of money obtained through welfare fraud or abuse. Ought to Pass.

This bill would strengthen the Health and Welfare's ability to recover damages, interest and any cost of a civil suit in Medicaid fraud or abuse. Vote 14-0. Rep. Emma B. Wheeler for Health and Welfare.

HB 608, providing for financial disclosure by applicants for and recipients of public assistance. Ought to Pass. This bill would require financial disclosure by applicants for and recipients of public assistance. Vote 14-0. Rep. Samuel D. Clark for Health and Welfare.

HB 675-FN, relative to the licensing and regulation of youth camps. Inexpedient to Legislate.

The Committee feels this bill is not necessary because only one camp was in violation and it has been corrected. All who testified were in opposition to the bill. Vote 14-0. Rep. Emma B. Wheeler for Health and Welfare.

HB 714-FN, relative to provision of legal liability information by parents of certain minors. Ought to Pass with Amendment.

This bill requires the parents or guardians of a delinquent minor, an abused or neglected child to furnish information as to their financial ability to reimburse any expenses incurred in a legal suit. The amendment only changes the report from one working day to five working days. Vote 14-2. Rep. Emma B. Wheeler for Health and Welfare.

#### Amendment

Amend RSA 169-B:16, IV-a as inserted by section one of the bill by striking out same and inserting in place thereof the following:

IV-a. If the court finds that the minor has committed the alleged offense and that there is a possibility that an order will issue creating liability for expenses, the court shall order the minor's parents or legal guardians, if known, to report within 5 working days to the local welfare office in the town or city where the minor resides or was taken into custody. The court order shall also require the parents or legal guardians of the minor to provide the welfare administrator with information relative to their financial status and any other information necessary for a determination of the unit legally liable for the minor under RSA 169-B:40. Thereafter, the welfare administrator shall provide to the court, prior to the dispositional hearing, a financial statement, a settlement opinion and a recommendation as to the financial ability of the parents or guardians to reimburse the legally liable unit for any expenses incurred.

Amend RSA 169-C:18, VI-a as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

VI-a. If the court determines that a child has been abused or neglected and that there is a possibility that an order

will issue creating liability for expenses, the court shall order the child's parents or legal guardians, if known, to report within 5 working days to the local welfare office in the town or city where the child resides or where the alleged abuse or neglect occurred. The court order shall also require the parents or legal guardians of the child to provide the welfare administrator with information relative to their financial status and any other information necessary for a determination of the unit legally liable for the child under RSA 169-C:27. Thereafter, the welfare administrator shall provide to the court, prior to the dispositional hearing, a financial statement, a settlement opinion and a recommendation as to the financial ability of the parents or guardians to reimburse the legally liable unit for any expenses incurred.

Amend RSA 169-D:14, IV-a as inserted by section 5 of the bill by striking out same and inserting in place thereof the following:

IV-a. If the court finds that the minor has committed the alleged offense and that there is a possibility that an order will issue creating liability for expenses, the court shall order the minor's parents or legal guardians, if known, to report within 5 working days to the local welfare office in the town or city where the minor resides or was taken into custody. The court order shall also require the parents or legal guardians of the minor to provide the welfare administrator with information relative to their financial status and any other information necessary for a determination of the unit legally liable for the minor under RSA 169-B:40. Thereafter, the welfare administrator shall provide to the court, prior to the dispositional hearing, a financial statement, a settlement opinion and a recommendation as to the financial ability of the parents or guardians to reimburse the legally liable unit for any expenses incurred.

HB 793, to require optometrists' referrals of their patients to physicians in cases involving certain symptoms. Inexpedient to Legislate.

Since the ophthalmologists requested the sponsors not put this bill in at this time, the Committee was asked to vote Inexpedient to Legislate. Vote 20-0. Rep. Gertrude I. Butler for Health and Welfare.

HB 189-FN, relative to district court financing. Inexpedient to Legislate. The Committee recognizes that the current method of district court financing is unfair to host communities which must bear the expense for all the towns in the district. This problem, however, will be corrected with the passage of HB 200 which establishes a state-funded court system. Vote 17-0. Rep. Maureen E. Raiche for Judiciary.

HB 247, creating a committee to study alternative sentencing. Inexpedient to Legislate.



The Committee feels there are statutory agencies which can make an in-depth study of this problem. Vote 12-1. Rep. Thomas U. Gage for Judiciary.

HB 272-FN, creating a self-supporting unified court system. Inexpedient to Legislate.

The Committee recognizes that the courts are mandated by the Constitution and by statute to perform certain functions and to limit the exercise of such authority based on appropriations which are tied to court revenues is both unrealistic and possibly unconstitutional. Vote 15-0. Rep. Donna P. Sytek for Judiciary.

HB 410, creating a commission to study alternative procedures for the resolution of marital questions. Ought to Pass.

The Committee on Judiciary agrees with the supporters of this legislation that a study commission should be formed to recommend alternative procedures for the resolution of marital questions, by which troubled marriages may obtain aid to solve their problems, either in cases of divorce or to help people who are trying to solve marital problems or preserve their marriage. Vote 11-1. Rep. Beverly Hollingsworth for Judiciary.

HB 421, to modify the obligations of step-parents to support step-children. Refer for Interim Study.

The Committee realizes that there are serious problems in this area in view of the Logan v. Logan case but believes that this legislation will require more work than this Committee can give at this time. Vote 13-0. Rep. Beverly A. Hollingsworth for Judiciary.

HB 433-FN, deleting the requirement for district court sessions in Epping. Ought to Pass.

The bill will terminate the court after the municipal judge retires as the distance to Exeter is less than the average traveled in other districts and only 1,200 cases are involved on the average. Vote 12-1. Rep. Frank J. Sylvia for Judiciary.

HB 447, giving docket preference to civil cases in which at least one of the parties is age 65 or older. Refer for Interim Study.

There are already 54 categories of docket preference in the present statute and before adding another the Committee feels that the entire subject of court docket preference should be examined. Vote 10-4. Rep. Maureen E. Raiche for Judiciary.

HB 477, relative to the right-to-know law. Ought to Pass with Amendment. This bill, as amended, requires that the minutes of a public proceeding shall be available to the public within 6 days of the meeting. Additionally, the bill requires that the material from which the minutes are prepared (notes, tapes, etc.) shall be open for inspection

during the time period in which the minutes are being prepared. Vote 13-0. Rep. Donna P. Sytek for Judiciary.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

I Availability of Minutes. Amend RSA 91-A:2, II (supp) as inserted by 1977, 540:3 by striking out in line 9 the number "72" and inserting in place thereof the following (144) so that said paragraph as amended shall read as follows:

II. All public proceedings shall be open to the public, and all persons shall be permitted to attend any meetings of those bodies or agencies. Except for town meetings, school district meetings and elections, no vote while in open session may be taken by secret ballot. Any person shall be permitted to use recording devices, including but not limited to, tape recorders, cameras and videotape equipment, at such meetings. Minutes of all such meetings, including names of members, persons appearing before the bodies or agencies, and a brief description of the subject matter discussed and final decisions shall be promptly recorded and open to public inspection within 144 hours of the public meeting, except as provided in 91-A:6 of this chapter, and shall be treated as permanent records of any body or agency, or any subordinate body thereof, without exception. Except in an emergency or when there is a meeting of a legislative committee, a notice of the time and place of each such meeting, including an executive session, shall be posted in 2 appropriate places or shall be printed in a newspaper of general circulation in the city or town at least 24 hours, excluding Sundays and legal holidays, prior to such meetings. An emergency shall mean a situation where immediate undelayed action is deemed to be imperative by the chairman or presiding officer of the body or agency who shall employ whatever means are available to inform the public that a meeting is to be held. The minutes of the meeting shall clearly spell out the need for the emergency meeting. When a meeting of a legislative committee is held, publication made pursuant to the rules of the house of representatives shall be sufficient notice. If the charter of any city or guidelines or rules of order of any body or agency described in RSA 91-A:1-a requires a broader public access to official meetings and records than herein described, such charter provisions or guidelines or rules of order shall take precedence over the requirements of this chapter.

2 Public Inspection of Records. Amend RSA 91-A:4 as inserted by 1967, 251:1 by striking out said section and inserting in place thereof the following:

91-A:4 Minutes and Records Available for Public Inspection.

1. Every citizen during the regular or business hours of all such bodies or agencies, and on the regular business premises of such bodies or agencies, has the

right to inspect all public records, including minutes of meetings of the bodies or agencies, and to make memoranda, abstracts, photographic or photostatic copies of the records or minutes so inspected, except as otherwise prohibited by statute or RSA 91-A:5.

11. After the completion of a meeting of such bodies or agencies, every citizen, during the regular or business hours of all such bodies or agencies, and on the regular business premises of such bodies or agencies, has the right to inspect all notes, materials, tapes or other sources used for compiling the minutes of such meetings, and to make memoranda, abstracts, photographic or photostatic copies, or tape record such notes, materials, tapes or sources inspected, except as otherwise prohibited by statute or RSA 91-A:5.

3 Effective Date. This act shall take effect 60 days after its passage.

HB 483-FN, relative to the escrow account for court facility improvements. Inexpedient to Legislate.

It was the unanimous feeling of the Committee that as long as the local communities are required to pay the cost of court facilities', the money held in the court facilities escrow account should be used for improvements only in the court where it was collected. Vote 12-0. Rep. Donna P. Sytek for Judiciary.

HB 486-FN, requiring persons who serve liquor to obtain server permits. Inexpedient to Legislate.

The Committee felt that this bill would impose a hardship on New Hampshire's bartenders and waitpeople. Furthermore, it is open to abuse as the permits of individual servers might be revoked rather than the licenses of establishments. Vote 12-0. Rep. Thomas U. Gage for Judiciary.

HB 489-FN, to provide for 2 additional superior court associate justices and 2 additional assistant attorneys general. Inexpedient to Legislate.

The Committee felt it would be inappropriate to mandate the responsibilities of certain Assistant Attorneys General. The matter of Associate Justices has been covered. Vote 12-0. Rep. Thomas U. Gage for Judiciary.

HB 519, prohibiting the possession of weapons by convicted felons. Inexpedient to Legislate.

The Committee felt whereas present New Hampshire law prohibits possession of weapons by felons convicted of a felony against the person or property of another or a drug felony, that expansion of that statute was unnecessary. Federal law prohibits possession of firearms by all felons. Vote 11-1. Rep. Doris J. Riley for Judiciary.

HB 527, relative to district court payments and relative to records relating to assigned counsel for indigent defendants. Inexpedient to Legislate.

The subject matter in HB 527 has already been addressed by the Committee in other legislation. Vote 12-0. Rep. Daniel A. Eaton for Judiciary.

HB 681-FN, relative to the time of payment of certain wages. Ought to Pass. This bill plugs a gap in existing law by adding severance pay, personal days, holiday pay, sick pay and payment of employee expenses, when such benefits are a matter of employment practice or policy, to the definition of wages under RSA 275 for the purpose of determining time of payment or accrual. It will allow the Commissioner of Labor to hold hearings on these issues. At present, the only recourse is the courts. Vote 13-0. Rep. Roland E. Belhumeur for Labor, Human Resources and Rehabilitation.

HB 343, relative to enforcing water purity laws. Ought to Pass with Amendment. The language of the amendment, which deals with investigations by a local health officer, parallels present provisions in RSA 149:13 dealing with similar investigations by the Water Supply and Pollution Control Commission or its agents. Vote 15-1. Rep. Richard A. Grodin for Municipal and County Government.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Investigations Authorized. Amend RSA 147 by inserting after section 14 the following new section:

147:14-a Investigation and Inspection. Any authorized member or agent of the division of public health services, department of health and welfare, may enter any land for the purpose of collecting information that may be necessary to investigate or inspect drainage systems pursuant to RSA 147:14 or private sewage systems pursuant to RSA 147:17-a. No owner shall refuse to admit any such member or agent.

2 Effective Date. This act shall take effect 60 days after its passage.

HB 346, relative to permanent applications for tax exemptions. Ought to Pass with Amendment.

The Committee believes this bill provides uniformity and fairness to individuals who are eligible for permanent tax exemptions. Since the annual property inventory form is voluntary, the Committee believes that the lack of uniformity may be unfair to those individuals who neglect or forget to check off the proper box on the inventory form. Currently, a town may wilfully or arbitrarily drop a person's right to an exemption because of an individual's oversight. The amendment drops the requirement of checking off inventory blanks relative to those items that have been approved as a permanent



exemption. Vote 16-0. Rep. George S. Lamprey for Municipal and County Government.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Exception. Amend RSA 72:33 (supp) as amended by striking out said section and inserting in place thereof the following:

72:33 Application for Exemption. No person shall be entitled to the exemptions provided by RSA 72:28, 29-a, 30, 31, 32, 35, 36-a, 37, 37-a, 39, 43-b, 43-f, 62, 66 and 70 unless he shall have filed with the selectmen or assessors, on or before April 15 of some year, a permanent application therefor signed under penalty of perjury, on a form approved and provided by the commissioner of revenue administration showing that the applicant is duly qualified and is the true and lawful owner of the property on which the exemption is claimed. Any person who changes his residence after filing such a permanent application shall file an amended permanent application on or before the April 15 immediately following his change of residence. The filing of the permanent application shall be sufficient for said persons to receive these exemptions on an annual basis so long as the applicant does not change his residence. If any person, otherwise qualified to receive an exemption, shall satisfy the selectmen or assessors that he was prevented by accident, mistake or misfortune from filing a permanent application or amended permanent application on or before April 15 of the year in which he desires the exemption to begin, said officials may receive said application at a later date and grant an exemption thereunder for that year; but no such application shall be received or exemption granted after the local tax rate has been approved for that year.

2 Inventory Blank. Amend RSA 74:4 (supp) as amended by striking out said section and inserting in place thereof the following:

74:4 Taxpayer Inventory Blank.

I. The taxpayer inventory blank shall be designed to obtain the necessary information in a manner which is convenient for the person completing it. The printing on it shall be at least 10 point type.

II. The blank shall require the person or corporation to be taxed to provide the required information under penalty of perjury. The blank shall require the taxpayer to sign in one place for all information submitted, including any application for eligibility for exemptions.

III. The blank shall require the following information:

(a) A description of all real estate taxable to the person or corporation;

(b) Other information needed by the assessing officials to assess all the taxable property of the person or corporation at its true value;

(c) A census of all persons occupying the premises as of April 1, by name and age.

IV. The blank shall include the following statement:

"You may be entitled to the following tax relief: Elderly or Disabled Tax Lien, or an Abatement. For additional information, contact your selectmen or assessor."

V. The blank shall require owners of land classified as open space to indicate whether any changes in the use of the land have been made.

3 Effective Date. This act shall take effect 60 days after its passage.

HB 389, relative to preservation of prime farmland. Inexpedient to Legislate. The Committee understands the intent of the bill, but HB 389 raises far more questions than it would solve. In addition, this subject matter can better be addressed in Senate Bill 3. Vote 18-0. Rep. Roger C. King for Municipal and County Government.

HB 397-FN, increasing the per diem charge for impounded dogs. Ought to Pass with Amendment.

The amendment changes the fee paid by an owner of a dog in custody of a city, town or a humane society from \$3 to \$5. The Committee could not agree with the original bill which increased the fee to \$10. Vote 16-0. Rep. George S. Lamprey for Municipal and County Government.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Warrants; Proceedings. Amend RSA 466:14 (supp) as amended by striking out said section and inserting in place thereof the following:

466:14 Warrants; Proceedings. The mayor of each city and the selectmen of each town shall annually, within 10 days from June 1, issue a warrant to one or more police officers or constables, directing them to proceed forthwith either to collect the fees due and pay them over to their respective town or city clerk, or any unlicensed dog may be seized and held in a town or city holding facility for a period of 7 days after which time full title to said dog shall pass to said facility, unless the owner of said dog has, before the expiration of said period, caused said dog to be licensed and shall pay said facility the sum of \$5 per day for each day said dog has been kept and maintained by said shelter, plus any necessary veterinary fees incurred by said facility for the benefit of said dog.

2 Unregistered Dogs in Humane Societies. Amend RSA 466:18-a (supp) as inserted by 1955, 84:1 as amended by striking out said section and inserting in place thereof the following:

466:18-a Title to Unregistered Dogs in Humane Societies. Whenever an incorporated society for the prevention of cruelty to animals shall keep and maintain for 7 consecutive days an unlicensed dog whose owner is unknown, full title to said

unlicensed dog shall pass to said society at the end of said 7 day period, unless the owner of said dog shall, before the expiration of said period, cause said dog to be licensed and shall pay said society the sum of \$5 per day for each day said dog has been kept and maintained by said society, plus any necessary veterinary fees incurred by said society for the benefit of said dog.

3 Effective Date. This act shall take effect 60 days after its passage.

HB 457-FN, relative to distributing evenly the tax exemption for totally disabled veterans. Ought to Pass with Amendment.

The Committee unanimously decided that this bill would correct inequities of taxation relative to the Veterans' exemption. Vote 12-0. Rep. Paul A. Golden for Municipal and County Government.

#### Amendment

Amend RSA 72:35, 1 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. Any person who has been honorably discharged from the military service of the United States and who has a total and permanent service connected disability, or who is a double amputee or paraplegic because of a service connected injury, or the surviving spouse of such a person if such surviving spouse has not remarried shall receive a yearly exemption in the amount of \$700 of property taxes on his residential property.

HB 461, providing for the filling of vacancies of elected planning board members by the selectmen. Inexpedient to Legislate. The Committee feels that any amendments to the Planning Board statutes would be better handled by amending Senate Bill 3 which deals with the Recodification of Planning and Zoning Laws. Vote 17-0. Rep. David M. Perry for Municipal and County Government.

HB 475, requiring inclusion in town warrants of a separate article relative to wage increases for town employees. Inexpedient to Legislate.

The preponderance of the testimony was in opposition to this bill. The Committee feels that if municipalities wish to include such information on the warrant or in town reports, they may do so, but the state should not require it. Vote 15-0. Rep. Richard A. Grodin for Municipal and County Government.

HB 507-FN, relative to the collection of taxes. Ought to Pass.

This bill updates various fees in connection with the tax sale. It also lengthens the period for notification of registry of deeds and mortgages. This statute has not been changed for some time. Vote 18-0. Rep. John P. Lawrence for Municipal and County Government.

HB 532-FN, relative to the property tax exemption for charitable organizations. Inexpedient to Legislate.

The Committee feels this legislation fails to address the issue in the correct perspective, and relates to many avenues previously covered in previous legislation. Vote 16-0. Rep. Paul A. Golden for Municipal and County Government.

HB 583, requiring municipalities to have planning boards. Inexpedient to Legislate.

The Committee feels that each municipality should make its own decision as to whether or not it prefers to have a planning or zoning board or both, and not have it mandatory by the state. Vote 15-0. Rep. JoAnn T. Morse for Municipal and County Government.

HB 610-FN, establishing a property tax exemption for persons with children attending non-public schools. Inexpedient to Legislate.

Bills having similar purposes, but different approaches have been before the Legislature before and have been defeated. Were this bill to pass, the result would be a significant erosion of the local tax base. Vote 13-3. Rep. Richard A. Grodin for Municipal and County Government.

HB 649-FN, relative to redemption after a tax sale. Inexpedient to Legislate.

The Committee felt that although this bill does have some merit it is not really necessary and will create much extra work for the tax collector. Vote 12-4. Rep. Everett R. Reney for Municipal and County Government.

SB 33, relative to the method of filling vacancies on the Portsmouth school board. Ought to Pass.

This bill calls for a local referendum on the question of filling a vacancy on the Portsmouth school board by the person receiving the next highest number of votes at the last school board election. Vote 15-0. Rep. Eugene W. Clark for Municipal and County Government.

HB 466, relative to the laws affecting the state militia and state employees who are members of the armed forces. Ought to Pass with Amendment.

This bill is primarily a "housekeeping" measure, to effect changes in military terminology, update statutes and provide the Governor, in his capacity as Commander-in-Chief of the New Hampshire National Guard, with the authority to award decorations to other than military personnel, for outstanding support of the National Guard. Vote 9-0. Rep. Warren F. Ames for Public Protection and Veterans Affairs.

#### Amendment

Amend the bill by striking out section 9 and inserting in place thereof the following:

9 Medals and Decorations. Amend RSA 110-B:69 (supp) as inserted by 1981, 434:1 by striking out said section and inserting in place thereof the following

110-B:69 Medals and Decorations. The governor shall have authority to prescribe by regulation state decorations, medals, ribbons, badges or other awards for honorable service in the national guard or for meritorious support of the national guard.

10 Effective Date. This act shall take effect 60 days after its passage.

HB 622, relative to disorderly conduct. Ought to Pass.

This bill has been very carefully constructed, with due consideration to the constitutional rights of persons. The bill expands on "noises in public and private places," defines a "lawful order" and gives guidelines as to what is considered a "public place." Vote 10-0. Rep. George T. Musler for Public Protection and Veterans Affairs.

HB 727-FN, relative to fees for criminal record checks and for private detectives and security guard services. Ought to Pass.

The bill generally updates the fee structure for private detective agencies; permits the State Police to be reimbursed for the costs in making criminal checks and fingerprint searches, and grants licenses to private detective agencies for 2 years, instead of the present 1 year license. Vote 9-0. Rep. Glenden J. Kelley for Public Protection and Veterans Affairs.

HB 403-FN, relative to construction of a highway by-pass around the town of Conway. Ought to Pass.

This study of alternate routes to bypass Conway is to relieve congestion of traffic encountered on Route 16. Vote 17-0. Rep. David T. Whittemore for Public Works.

HB 413, reclassifying certain highways in the town of Conway. Ought to Pass.

This is a mutual accommodation between the town of Conway and the State Highway Department that allows each party to better maintain their area of responsibility. Vote 17-0. Rep. Charles M. Nute for Public Works.

HB 436-FN, establishing a highway block grant aid program. Ought to Pass with Amendment.

This bill, as amended, clarifies certain questions as to the municipal receipts of certain funds. It should be supported by all since it also provides flexibility in spending of highway monies while retaining the original purpose of the funding. Vote 14-0. Rep. Ted A. Pelletier for Public Works.

#### Amendment

Amend RSA 231:158, III as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

III. Designation of a road as scenic shall not affect the eligibility of the town to receive construction, maintenance or reconstruction aid pursuant to the provisions of RSA 235 for such road.

Amend RSA 235:25 as inserted by section 4 of the bill by striking out same and inserting in place thereof the following:

235:25 Notice to Towns. On or before January 1 of each year, the commissioner shall notify all cities, towns and unincorporated places of the amounts of aid being allotted in each fiscal year. Payments shall be made as follows: 30 percent in July; 30 percent in October; 20 percent in January; and 20 percent in April. These funds shall be used only for highway construction, reconstruction or maintenance purposes. Whenever any city, town or unincorporated place is unable to utilize the full amount of this apportionment for highway construction, reconstruction or maintenance purposes in any given municipal fiscal year, the unused balance may be carried over to the following municipal fiscal year and expended for highway construction, reconstruction or maintenance purposes.

Amend the bill by striking out section 6 and inserting in place thereof the following:

6 Unobligated Funds. Any joint fund established under RSA 235:28, which is repealed by this act, in which there is a balance remaining unobligated on January 1, 1984, shall revert to the contributing city, town or unincorporated place and shall be combined with any funds apportioned under RSA 235:23 and shall be used only for highway construction, reconstruction or maintenance purposes. Such funds may be carried over to future municipal fiscal years as provided under RSA 235:25.

Amend the bill by striking out section 8 and inserting in place thereof the following:

8 Distribution of Fees. Notwithstanding the repeal of 1981, 568:34 as provided in paragraph XIV of section 7 of this act, distribution of the increased motor vehicle fees collected in fiscal 1983 shall be made to the cities and towns in fiscal 1984.

9 Effective Date. This act shall take effect July 1, 1983.

HB 437-FN, establishing a 90 day limit for filing claims for liens against funds held by the state on highway contracts. Ought to Pass.

A 90-day limit to file liens against funds held by the State on highway contracts would help small subcontractors and help the State Public Works and Highways to finalize and close their books sooner on projects. Vote 17-0. Rep. Maurice J. Levesque for Public Works.

HB 438-FN, relative to the use of the annual population estimates of the office of state planning in establishment of the compact sections in cities and towns with a population of 7,500 or more. Ought to Pass.

This bill provides for the use of State census figures instead of the federal census figures which are updated only

every 10 years. This bill will provide many advantages for the state which is experiencing a population boom. Vote 17-0. Rep. James V. Bibbo for Public Works.

HB 261-FN, relative to alcohol and drug abuse. Ought to Pass with Amendment. The majority of the Committee believes in the intent of and need for additional funding for alcohol and drug abuse programs. The Committee does not believe in the concept of "dedicated revenues" but does recommend the reinstatement of \$100,000 to bring their total budget in line with the amount they had prior to federal reductions. The Governor's budget reinstated all but \$100,000 that was lost to federal cutting. Vote 16-1. Rep. James D. Phelps for Regulated Revenues.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

making an appropriation for the alcohol and drug abuse program.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Appropriation. There is hereby appropriated to the department of health and welfare, for the purpose of treating and rehabilitating alcohol and drug abusers as provided in RSA 172:2-a, the sum of \$100,000 for the fiscal year ending June 30, 1984, and the sum of \$100,000 for the fiscal year ending June 30, 1985. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

2 Effective Date. This act shall take effect July 1, 1983.

Referred to Appropriations.

HB 388, relative to special licenses and permits for nonprofit organizations. Inexpedient to Legislate.

The Committee feels the present law and system is adequate and it can be covered under the special one-day license. Vote 17-1. Rep. Clyde S. Eaton for Regulated Revenues.

HB 404, relative to the serving of liquor and beverages in view of a public way. Inexpedient to Legislate.

Current Liquor Commission rules allow liquor and beverages to be served on porches and patios as long as they are not in view of the public way. This satisfied the desires of the sponsor. Vote 20-0. Rep. James D. Phelps for Regulated Revenues.

HB 540, requiring certain licenses and permittees to install breathalyzers. Refer for Interim Study.

The Committee felt that while the bill has some excellent features it needs more study and/or might possibly be combined with a similar bill now in Judiciary. Vote 18-0. Rep. Raymond F. Hennessey for Regulated Revenues.

HB 569, to permit waivers to certain students to serve alcoholic beverages as an incidental function of their vocational training. Inexpedient to Legislate.

This bill permits 16- and 17-year-olds who are participating in certain educational programs to serve alcoholic beverages. The majority of the Committee felt that this legislation is undesirable. Vote 17-1. Rep. Marian R. Harrington for Regulated Revenues.

HB 775, permitting greyhound kennels at off-track locations. Inexpedient to Legislate.

The Committee voted 19-1 for Inexpedient to Legislate. After considerable testimony in opposition to HB 775 the Committee felt it was not a good bill. The New Hampshire Pari-Mutuel Commission opposed the bill because of various reasons including safety, health, and veterinary inspections of greyhound dogs. Rep. Robert R. Blaisdell for Regulated Revenues.

HB 776, giving dogs from greyhound racing kennels in the state preference at dog races. Inexpedient to Legislate.

The sponsor, in open Committee session, withdrew the bill from further consideration. In accordance with the desire expressed, the Committee voted "inexpedient to legislate." Vote 20-0. Rep. Robert N. Kelley for Regulated Revenues.

HB 232-FN, authorizing the transfer of boat registration fees previously collected to the dam maintenance fund. Ought to Pass. The Committee felt that since these funds were originally designated specifically for the dam maintenance fund and inadvertently overlooked during legislative action in the previous biennium, these funds should be restored to the dam maintenance fund. Vote 15-0. Rep. Paul G. Meader for Resources, Recreation and Development.

Referred to Appropriations.

HB 294-FN, establishing a groundwater protection program and making an appropriation therefor. Ought to Pass with Amendment.

Testimony on this bill supported the concept and objectives but raised questions about the specifics of the language and method used. The Committee amendment addresses these concerns and the Committee strongly endorses this amended bill as a major step toward a more comprehensive approach to the state's responsibility for water resources protection. The amended bill provides a long-needed sound statutory



basis for this state responsibility.  
Vote 19-0. Rep. Douglas R. Woodward for  
Resources, Recreation and Development.

#### Amendment

Amend the title of the bill by  
striking out same and inserting in place  
thereof the following:

#### AN ACT

providing for a method of protection of  
the groundwater of the state and  
establishing a water resources  
management program.

Amend the bill by striking out all after  
the enacting clause and inserting in place  
thereof the following:

#### 1 Declaration of Purpose.

I. The general court finds that an  
adequate water supply is indispensable to  
the health, welfare and safety of the people  
of the state and is essential to the  
ecological balance of the natural  
environment of the state and that the water  
resources of the state are subject to an  
ever-increasing demand for new and competing  
uses; that, therefore, the general court  
declares and determines that the waters of  
New Hampshire whether occurring above or  
below ground constitute a precious, finite  
and invaluable public resource which should  
be protected, conserved and managed in the  
interest of present and future generations.

II. It is the intent of the  
general court by this act to establish a  
comprehensive water resource management  
program that shall be consistent with the  
scientific realities of the hydrologic cycle  
and shall recognize that ground water and  
surface water are interrelated parts of that  
cycle and must be considered conjunctively.

III. The water resources board is  
hereby directed to develop under the  
oversight of the house of representatives  
resources, recreation and development  
committee and with the assistance of the  
appropriate state agencies and to recommend  
to the general court policies and a plan to  
determine priority water uses and allocation  
and to guide the steps that the water  
resources board and the state shall take to  
conserve, distribute and otherwise manage  
for the public good the water resources of  
the state.

IV. The water resources board  
shall submit its recommendations to the  
general court by January 1, 1984.

V. The implementation of a water  
allocation system authorized under RSA  
481:3, I shall not take effect until the  
general court has adopted water resources  
management policies and plan. However,  
authority to investigate and ascertain the  
uses of the state's water resources, as  
authorized under RSA 481:3, I, including  
registering and reporting by water users  
shall take effect immediately upon the  
effective date of this act.

2 Groundwaters of the State. Amend RSA  
481:1 by inserting after paragraph II the  
following new paragraph:

III. It is hereby declared that  
the groundwaters of the state are an  
integral part of the overall water resources  
and that such groundwater resources must be  
conserved, protected, allocated and  
otherwise managed to insure the uses most  
favorable to the public good.

3 Definition. Amend RSA 481:2 by  
inserting after paragraph III the following  
new paragraph:

III-a. "Groundwater" shall mean  
all water in the ground below the water  
table.

4 Water Resources Board. Amend RSA  
481:3, I (supp) as amended by striking out  
said paragraph and inserting in place  
thereof the following:

I. To investigate and identify the  
facilities for storing surplus water; for  
conserving, controlling and distributing  
surplus water; to investigate and identify  
facilities for the production and  
utilization of hydro-energy; and to  
investigate, ascertain and implement, in  
accordance with the state water resources  
management plan adopted by the general  
court, appropriate measures for controlling  
and conserving and distributing the water  
resources of the state including groundwater  
resources.

5 Cooperative Funding. Amend RSA  
481:3, X (supp) as amended and RSA 481:3, XI  
(supp) as inserted by 1981, 505:3 by  
striking out said paragraphs and inserting  
in place thereof the following:

X. To apply for and hold all  
necessary permits and licenses, and to meet  
all requirements of the Federal Energy  
Regulatory Commission in developing  
hydro-energy production facilities;

XI. To enter into cooperative  
arrangements with federal, municipal and  
private agencies to investigate and  
otherwise define the occurrence of  
groundwater of the state, including, but not  
limited to, quantity and quality. Joint or  
cooperative efforts with other state  
agencies having an interest in such  
groundwater is encouraged and authorized; and

XII. To do all things necessary or  
incidental to the foregoing powers.

6 Effective Date. This act shall take  
effect upon its passage.

Referred to Appropriations.

HB 322-FN, providing for the acquisition  
of a certain dam and water rights by the  
fish and game department and making an  
appropriation therefor. Ought to Pass with  
Amendment.

This bill authorizes the Department of  
Fish and Game to take ownership of  
Whittemore Lake Dam with the  
understanding that repairs to the dam  
are to be made with federal funds and  
private contributions only. The  
amendment clarifies the fact that the  
dam will be repaired at no cost to the  
Department of Fish and Game or to the  
State and that Fish and Game shall have  
the right of access for repair and  
maintenance of the Dam. Vote 16-1.  
Rep. Howard C. Dickinson for Resources,  
Recreation and Development.

## Amendment

Amend RSA 482-P:1 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

## 482-P:1 Acquisition Authorized.

I. For a consideration of \$1 the New Hampshire department of fish and game is authorized to accept conveyance and attendant easements from the owner of the following described property for the purpose of improving and controlling certain water rights for the perpetuation of a reclaimed trout pond: the Whittemore pond dam, listed as dam No. 22.01 in the files of the water resources board and located in the towns of Bennington and Greenfield, Hillsborough county.

II. The department of fish and game shall obtain other attendant easements which may be necessary to provide access for the purpose of maintenance or repair of said dam but not for the purpose of public access.

Amend the bill by striking out section 2 and inserting in place thereof the following:

## 2 Appropriation.

I. There is hereby appropriated to the department of fish and game the sum of \$20,000 for the biennium ending June 30, 1985, for the purpose of section 1 of this act. This shall be a nonlapsing appropriation. The funds appropriated are from the following sources:

Federal funds (if available)	\$15,000
Private donation	5,000
	<u>\$20,000</u>

II. Notwithstanding the provisions of RSA 4:8, the department of fish and game is authorized to receive a private gift of \$5,000 from the Monadnock Paper Mills, Inc., current owner of the dam.

Referred to Appropriations.

HB 367-FN, establishing a legislative dam management review committee. Ought to Pass with Amendment.

This bill addressed a significant aspect of the State's long-discussed but equally long-neglected water resource management policy. It represents a step in the right direction. Hopefully, further steps in the same direction will follow close behind. Vote 21-0. Rep. Richardson Blair for Resources, Recreation and Development.

## Amendment

Amend RSA 482:74 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

## 482:74 Legislative Dam Management Review Committee.

I. There is hereby established the dam management review committee which shall consist of 7 members, 4 of whom shall be representatives from the resources, recreation and development committee appointed by the speaker of the house, one of whom shall be designated by the speaker as chairman of the committee and 3 members

of the senate from the development, recreation and environment committee appointed by the president of the senate. Members shall be appointed for their term of office, provided that all members shall be eligible for reappointment so long as they are qualified under the provisions of this section. The members shall choose from their number a secretary. Members of the committee shall not be compensated but shall be paid legislative mileage when attending committee meetings or attending to other committee business.

II. The committee shall meet as frequently as is deemed to be necessary at the call of the chairman.

III. The committee shall have the duty to develop policies and procedures to recommend to the speaker of the house and the president of the senate, the house resources, recreation and development committee and the senate development, recreation and environment committee on matters relating to the acquisition, repair, use and management of dams by the state which shall include but shall not be limited to:

(a) Method of review of proposed legislation on the subject of dams;

(b) Schedule to provide for regular review of state owned dams at least once every 6 years;

(c) Criteria on which to base recommendations whether to repair, breach, sell or take some other action regarding state owned dams related to the overall water resources management program of the state;

(d) Criteria on which to base recommendations whether to acquire privately owned dams for the state related to the water resource management program of the state; and

(e) Guidelines which shall give direction to the rulemaking by the water resources board on state dam operations as they relate to the water resources management program.

IV. All state agencies are directed to cooperate with the committee and provide any information in their possession pertinent to the overall water resource management program of the state upon request.

V. The committee shall have the further duty to conduct continuing reviews on matters set forth in paragraph III under the policies and procedures which the general court shall adopt.

Amend section 2 of the bill by striking out same and inserting in place thereof the following:

2 Initial Committee Report. The committee shall submit its initial report to the speaker of the house and president of the senate no later than September 1, 1984.

3 Effective Date. This act shall take effect 60 days after its passage.

HB 377, relative to emergency action plans for dams. Ought to Pass with Amendment.

This bill gives the Water Resources Board the authority to order dam owners to develop emergency action plans which prescribe a sequence of actions to be



taken in case of a pending dam failure.  
Rep. Charles H. Dingle for Resources,  
Recreation and Development.

#### Amendment

Amend RSA 482:1, V as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

V. "Emergency action plan" means a written document delineating a prescribed sequence of actions to be taken by a dam owner to inform the authorities and others downstream of an impending or actual sudden release of water caused by an accident to, or failure of, the dam. This plan shall be developed in consultation with local officials and notification of the plan shall be given to the general public who would be affected by a sudden release of water caused by an accident or other failure of the dam. The plan shall be kept on file with the local civil defense coordinator and other local officials as deemed appropriate by the water resources board.

HB 392-FN, relative to dams owned by the department of fish and game. Ought to Pass. The Committee believes that the revenue resulting from the leasing of dams owned by the Department of Fish and Game for hydroelectric generation, although placed in the dam maintenance fund, should be expended exclusively on those dams owned by the Department of Fish and Game. Vote 14-0. Rep. Charles H. Dingle for Resources, Recreation and Development.

HB 408-FN, relative to hydro funds. Ought to Pass.

This bill gives the Water Resources Board authority to receive gifts and grants to the credit of the dam maintenance fund and to transfer surplus revenues held by the board derived from management of the board's properties to that fund. Vote 14-0. Rep. Douglas R. Woodward for Resources, Recreation and Development.

HB 427-FN, establishing civil penalties for violation of laws affecting dams and flowage. Ought to Pass.

This bill insures compliance with Water Resources Board orders to repair dams by establishing a fine in addition to the Board's present recourse through the Attorney General's Office. This should provide a more timely response to orders correcting dangerous conditions at high hazard dams. Vote 14-0. Rep. Mary Ann N. Blanchard for Resources, Recreation and Development.

HB 429, authorizing the repair or reconstruction of certain dams. Ought to Pass with Amendment.

This bill authorizes the Water Resources Board to make the necessary repairs on state-owned dams in a timely manner with funds from the dam maintenance funds. Vote 14-0. Rep. Charles H. Dingle for Resources, Recreation and Development.

#### Amendment

Amend 1982, 42:169, I as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

1. It is hereby determined to be necessary to repair, reconstruct or repair and reconstruct the following dams in the interest of the public safety and benefit and the expenditure of such sums as are necessary is hereby authorized:

- (a) Water resources board dams
  - (1) Goose Pond Dam, Canaan and Hanover;
  - (2) Crystal Lake Dam, Enfield;
  - (3) Pawtuckaway Lake Dikes, Nottingham;
  - (4) Milton Three Pond Dam, Milton;
  - (5) Newfound Lake Dam, Bristol;
  - (6) Lake Kanassatka Dam, Moultonboro;
  - (7) Chesham Reservoir Dam, Harrisville;
  - (8) Childs Bog Dam, Harrisville;
  - (9) Highland Lake Dam, Stoddard;
  - (10) Deering Lake Dam, Deering;
  - (11) Buck Street Dam, Pembroke;
  - (12) Ballard Pond Dam, Derry.
- (b) Other state dams
  - (1) Department of resources and economic development
    - (A) May Pond Dam, Washington;
    - (B) Pisgah Reservoir Dam, Winchester;
    - (C) Fullam Reservoir Dam, Chesterfield;
    - (D) Bear Hill Pond Dam, Allenstown.
  - (2) Fish and game department
    - (A) Merrymeeting Lake, New Durham;
    - (B) New Durham Pond, New Durham.

HB 430-FN, providing filing fees for the construction or reconstruction of dams. Ought to Pass.

This bill provides a modest set of filing fees to be paid to the Water Resources Board for handling plans submitted for review by the Board. Revenues from those fees will be set aside in a special account to help defray the costs of the review process. Vote 14-0. Rep. Douglas R. Woodward for Resources, Recreation and Development.

Referred to Appropriations.

HB 431-FN, relative to excavating and dredging permits and the wetlands board. Ought to Pass.

This bill makes a few housekeeping changes in RSA 483-A which will simplify the administration of the act. Additionally, the bill provides a nominal ten dollar filing fee for each project application which will help defray the costs of processing such applications. Vote 14-0. Rep. Douglas R. Woodward for Resources, Recreation and Development.

HB 434-FN, providing a shoreline assessment for the dam maintenance fund. Inexpedient to Legislate.

This bill would impose unfair tax on the towns with shoreline property. Small towns with large amounts of shoreline property would be disproportionately taxed by the State for waterfront property which are a benefit enjoyed by all residents and visitors to the State. Vote 14-1. Rep. Virginia M. Banks for Resources, Recreation and Development.

HB 465-FN, relative to proceedings before the water resources board. Ought to Pass.

This bill establishes an application fee accompanying a permit for the construction or reconstruction of a dam. The Committee, after thoroughly reviewing costs related to expenses of publication, mailing, posting of notices and hearing proceedings, determined that this was a reasonable minimum cost. Vote 15-0. Rep. MaryAnn N. Blanchard for Resources, Recreation and Development.

HB 625-FN, relative to increasing license fees for the transport of petroleum products into the state. Ought to Pass.

This bill increases the license fee for the transport of petroleum products into the state from \$0.15 to \$0.25 per barrel of oil transferred during the license period. Vote 14-5. Rep. Mary Ann Lewis for Resources, Recreation and Development.

HB 837-FN, providing for state aid to municipalities constructing storm drains under certain circumstances. Ought to Pass.

This bill provides municipalities with state funding to help pay for sewer separation by storm drain installation when it has been demonstrated as a cost-effective measure for eliminating overflow structures. Vote 17-0. Rep. Mary Ann Lewis for Resources, Recreation and Development.

HB 276-FN, establishing a New Hampshire high technology development authority and making an appropriation therefor. Refer for Interim Study.

The Committee felt that this bill should be included with other legislation being submitted and that all such legislation should be studied as one package. Vote 13-0. Rep. John E. Burns for Science and Technology.

HB 384, to establish a task force to design a cooperative system of placements for children. Ought to Pass with Amendment. This bill creates an interagency cooperative agreement to write a policy for the placement of children. All of the Department heads testified before the Committee that they were willing and able to write this policy within 60 days and to report back to the Legislature. Vote 17-0. Rep. Marshall French for State Institutions.

#### Amendment

Amend the bill by striking out section one and inserting in place thereof the following:

#### I Task Force Established.

I. There is hereby established a task force to design a cooperative system of placements within existing resources for New Hampshire children.

II. The task force shall consist of:

- (a) The commissioner of education;
- (b) The director of the division of welfare;
- (c) The director of the division of mental health and developmental services;
- (d) The superintendent of the youth development center;
- (e) The director of the department of probation;
- (f) One member of the house of representatives to be appointed by the speaker of the house;
- (g) One member of the senate to be appointed by the president of the senate;

(h) One member to be appointed by the governor; and  
(i) One member of the New Hampshire Judge's Association to be appointed by the president of that association.

III. The task force shall organize by electing one of its members chairperson. Each member of the task force representing a department or agency shall have the authority to commit the department or agency represented by such member to cooperative agreements relative to the placement of children.

IV. The task force shall address the following subjects:

- (a) Multiple funding of services;
- (b) Standards for placements;
- (c) Pre-placement evaluations;
- (d) Cross-department responsibility for children's placements;
- (e) Coordination of services;
- (f) Any and all services relating to proper care of New Hampshire children and youth in jeopardy of institutional placement; and
- (g) Local diversion programs.

V. The task force shall report to the chairman of the house committee on state institutions and the chairman of the senate committee on public institutions and health and welfare no later than 60 days following the effective date of this act. The task force shall recommend:

- (a) Changes to existing statutes to implement a coordinated, cooperative placement system;
- (b) Working of interagency agreements to facilitate said system;
- (c) Methods of apportioning costs among responsible units of government;
- (d) Draft standards for placements; and
- (e) Framework for implementation of these findings within 12 months of the task force report.

HB 416-FN, instituting an automated information system for the state library. Ought to Pass with Amendment.

The center consists of an automated data processing and information retrieval system and a statewide information network. The bill also creates an automated information systems board to oversee the functioning of the center and authorizes the state librarian to administer and direct programs, plans and projects connected with the center. The information exchange is designed to serve the public as well as state government. Vote 16-0. Rep. Susan B. R. McLane for State Institutions.

#### Amendment

Amend RSA 201-A:22, I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. There is hereby created within the state library an automated data processing and information center. The board shall oversee, in conjunction with the state librarian and subject to the approval of the state library commission, the functioning and maintenance of the center as provided in RSA 201-A:24 and 210-A:25.

Amend RSA 201-A:24 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

201-A:24. Automated Information Systems Board; Membership. There is hereby created within the state library the New Hampshire automated information systems board. The board shall consist of the state librarian, the director of the technical services division of the state library, one representative appointed by the speaker of the house, one senator appointed by the senate president, one academic librarian appointed by the executive board to the academic librarians chapter of the New Hampshire library association, 2 public librarians appointed by the executive board of the New Hampshire library association, one librarian representing special libraries to be appointed by the state librarian, one school librarian appointed by the executive board of the New Hampshire educational media association, one attorney who shall be a member of the New Hampshire bar, and such additional persons from state government and the library community as the library commission shall deem necessary to further the purposes of the board. The state librarian and the director of the technical services division of the state library shall be ex-officio members of the board. Each appointed member of the board shall serve staggered 3 year terms. Of the initial appointees, 1/3 shall serve a term of one year, 1/3 shall serve a term of 2 years, and 1/3 shall serve a term of 3 years. If the total number of appointees is not divisible by 3, the initial appointments shall be made so as to ensure staggered 3-year terms. Each member so appointed shall hold office until his successor shall be appointed and qualified.

Referred to Appropriations.

HB 469-FN, relative to the attendance of the attorney general or his designee at involuntary commitment proceedings. Ought to Pass.

This bill allows increased flexibility for the Attorney General in relation to attendance at involuntary commitment proceedings. The Attorney General would be able to attend only those hearings where his/her presence is required. Vote 12-0. Rep. Shirley Girouard for State Institutions.

HB 370, permitting a person to be the candidate for only one party. Ought to Pass. This bill was sponsored by both Republican and Democratic State Chairmen - Republican Representative Donna Sytek and Democrat Senator Richard Boyer, who both feel that this is necessary and will be beneficial to both parties. Vote 8-2. Rep. Rita C. McAvoy for Statutory Revision.

HB 396, permitting voters in towns with a population of 700 or more persons to petition to keep the polls open until 8:00 p.m. Ought to Pass.

Under present law the voters in a town with 700 or more residents may petition the selectmen to extend the time for keeping the polls open to 7:00 p.m. This bill changes the 7:00 p.m. extension to 8:00 p.m. Vote 9-0. Rep. Eleanor H. Stark for Statutory Revision.

HB 426, amending certain checklist practices. Ought to Pass.

This bill provides for a uniform time for all towns and cities to hold hours for updating checklists at the same time all over the state. Vote 9-0. Rep. Virginia K. Lovejoy for Statutory Revision.

HB 479, clarifying the meaning of "incompatible offices" in RSA 669:7. Ought to Pass.

This bill clarifies the ability to transfer help from office to office for clerical assistance. Vote 9-0. Rep. Natalie S. Flanagan for Statutory Revision.

HB 492, relative to the election of representatives to the general court and delegates to state conventions from Nashua. Ought to Pass.

The redistricting plan for the City of Nashua has been approved by the Democrats, Republicans, the Mayor and Aldermen of Nashua. Vote 9-0. Rep. Natalie S. Flanagan for Statutory Revision.

HB 480, relative to the adoption of a New England truckers compact. Ought to Pass. This is enabling legislation. Passage of this bill will make it possible for the Governor to make New Hampshire part of a compact with other New England states for a uniform highway user license schedule. This move could eliminate many potential problems. Vote 12-0. Rep. Irvin H. Gordon for Transportation.

HB 481-FN, enabling the state to enter the regional fuel tax agreement. Ought to Pass.

Like HB 480 this legislation is of an enabling nature. It allows the Commissioner of the Department of Safety to enter into the regional fuel tax agreement with other states which will allow member states to collect taxes and perform audits on behalf of each other. It should increase efficiency and save expense. Vote 12-0. Rep. Irvin H. Gordon for Transportation.

HB 518-FN, to prohibit leaving unattended children in motor vehicles. Inexpedient to Legislate.

This bill is unnecessary as there is already an RSA covering unattended motor vehicles, RSA 265:72 in the state. Vote 12-0. Rep. Moise H. Mercier for Transportation.

HB 534-FN, relative to the penalty for violation of the odometer disclosure law. Ought to Pass.

This bill addresses the penalty of failing to certify and the acceptance of transfer of a vehicle. It provides specific penalties for the offense. This bill was requested by the Attorney General. Vote 13-2. Rep. Richard W. Bastraw for Transportation.

HB 592, requiring proof of financial responsibility before a driver's license may be issued and increasing the minimum required coverage. Inexpedient to Legislate.

This bill would prohibit the issuance of a driver's license to any person unless such person furnishes responsibility, in effect, setting up a system of compulsory insurance for drivers. Testimony indicated insurance rates may go up thirty percent if this bill is passed. Vote 13-0. Rep. Edward J. Crotty for Transportation.

HB 627, relative to registering civil aircraft. Ought to Pass with Amendment. This bill makes enforcement of the collection of fees easier by a requirement that the registration certificate applies to owning an aircraft, not the operation of an aircraft. Vote 12-0. Rep. Henry N. Roy for Transportation.

#### Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:  
3 New Paragraph. Amend RSA 422:34 by inserting after paragraph I the following new paragraph:

1-a. For any resident to own or authorize the operation of any civil aircraft owned by him which is not also possessed of a currently effective airworthiness or experimental certificate and a state registration certificate and for which the aircraft operating fee has been paid.

HB 629, relative to habitual offenders. Refer for Interim Study.

This bill authorizes the Director of the Division of Motor Vehicles to determine who is an habitual offender where currently the courts make that determination. Too many unanswered questions were raised to pass this bill. However, testimony pointed out enough merit to warrant interim study. Vote 13-0. Rep. Elmer H. York for Transportation.

HB 665, updating and amending the uniform laws on interstate and intrastate fresh pursuit. Inexpedient to Legislate.

This bill would allow out-of-state police officers to pursue motorists into New Hampshire for any offense, including minor violations; our neighboring states do not permit pursuit into their states by our police. Vote 13-0. Rep. Roger R. Stork for Transportation.

HB 683-FN, relative to disorderly and reckless operation of motor vehicles. Inexpedient to Legislate.

This bill is unnecessary as disorderly driving (RSA 644:2) and reckless driving (RSA 265:79) are already provided for in the statutes. Vote 13-0. Rep. Stephen Sloan for Transportation.

HB 686-FN, requiring suspension of the driver's license of any resident who fails to appear or pay a fine in connection with a violation of the motor vehicle laws. Inexpedient to Legislate.

This Committee opted to address the subject matter of this bill in Senate Bill 143-FN which is broader in concept as to the subject matter of suspension of a driver's license. Vote 12-0. Rep. George N. Katsakiores for Transportation.

HB 730-FN, providing for a joint legislative committee to oversee the sale of Skyhaven airport. Inexpedient to Legislate. Although the Committee has reservations about the state owning and operating an airport it is also concerned with the purchase time restraint stipulated within this bill. It is very doubtful whether a single municipality or even three municipalities could raise procurement money by September 1, 1983 to purchase Skyhaven Airport; especially since most municipal budgets have been adopted for 1983. The state is presently focusing on acquiring 30 acres for expansion of this particular airport. Vote 12-0. Rep. Robert L. Whiting for Transportation.

#### COMMITTEE REPORTS (Regular Calendar)

HJR 2-FN, providing for reimbursement of Kimball Chase Co., Inc. for professional services rendered. Inexpedient to Legislate. The Committee felt this was not the proper vehicle for recouping payment which was authorized in a federal court. Vote 18-1. Rep. William F. Kidder for Appropriations.

Report adopted.



HB 265, limiting the grounds for eviction of tenants from certain rental units. Ought to Pass with Amendment.

The Committee emphasizes that the bill is a balanced one. It provides tenants' protection from arbitrarily losing their home and provides for a more meaningful district court hearing. At the same time the bill streamlines the eviction process by shortening the notice period for landlords with problem tenants and eliminates the lengthy delay caused by the Superior Court appeal. Vote 14-6. Rep. Barbara B. Pressly for Commerce, Housing and Consumer Affairs.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

limiting the grounds for eviction of tenants from certain rental units and eliminating appeals to the superior court in landlord-tenant cases.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Section. Amend RSA 540 by inserting after section 1 the following new section:

540:1-a Definitions. For the purposes of this chapter:

I. Nonrestricted property shall mean all real property rented for nonresidential purposes and the following real property rented for residential purposes:

(a) Single-family houses, if the owner of such a house does not own more than 3 single-family houses at any one time.

(b) Rental units in owner-occupied buildings containing 3 separate rental units or fewer.

(c) Rental units in a vacation or recreational dwelling rented during the off-season for purposes which are not vacation purposes or which are nonrecreational.

II. Restricted property shall mean all real property rented for residential purposes, except those properties listed in paragraph I.

III. Rental unit shall mean a suite of one or more rooms located within a single building rented by the owner to one or more individuals living in common for nontransient residential purposes.

IV. The term "tenant" or "tenancy" shall not include occupants or occupancy in the following places and the provisions of this chapter shall not apply to:

(a) Rooms in rooming or boarding houses which are rented to transient guests for fewer than 90 consecutive days and rooms in hotels, motels, inns, tourist homes and other dwellings rented for recreational or vacation use.

(b) Rooms in student dormitories, nursing homes, hospitals, convents, monasteries, asylums, or group homes.

2 Termination of Tenancy. Amend RSA 540:2 by striking out said section and inserting in place thereof the following:

540:2 Termination of Tenancy.

I. The lessor or owner of nonrestricted property may terminate any tenancy by giving to the tenant or occupant a notice in writing to quit the premises in accordance with RSA 540:3 and 5.

II. The lessor or owner of restricted property may terminate any tenancy by giving to the tenant or occupant a notice in writing to quit the premises in accordance with RSA 540:3 and 5, but only for one of the following reasons:

(a) Nonpayment of rent, utility charges or any other lawful charge contained in a lease or rental agreement, upon demand.

(b) Failure of a tenant at will to pay a rent increase; provided, however, that the tenant received written notice of the amount and effective date of the rent increase no fewer than 30 days prior to the effective date of the rent increase.

(c) Failure of a tenant whose lease has expired to execute an extension or renewal of said lease when so requested by the landlord.

(d) Damage to the premises by the tenant, members of his household or guests, beyond reasonable wear and tear; provided, that the tenant is first given written notice of the damage and a reasonable opportunity to pay for the repair of said damage.

(e) Conduct by the tenant, whether intentional or negligent, which threatens the health or safety of the landlord or other tenants.

(f) Repeated conduct by the tenant, members of his household or guests which creates a nuisance or substantially interferes with the comfort or peace and quiet of other residents of the building.

(g) Failure of the tenant to comply with a material term of a lease or rental agreement, including terms relating to the number of occupants per rental unit; provided, that the tenant is first given written notice of his failure to comply and a reasonable opportunity thereafter to comply.

(h) Use of the premises by the tenant, members of his household or guests for illegal purposes.

(i) Failure or refusal by the tenant to allow the landlord access to the rental unit at a reasonable time after reasonable notice for the purpose of making necessary repairs or improvements, or for the purpose of inspection as permitted or required by a lease, rental agreement or by law, or for the purpose of showing the rental unit to a potential lessee, purchaser or mortgagee. Except where emergency repairs are necessary, a tenant may refuse a landlord's request for access at a particular time for substantial personal reasons, as long as said tenant provides a reasonable range of alternative times at which the landlord may have access to the rental unit.

(j) Intent on the part of the landlord to recover possession of the rental unit for use and occupancy by his wife or ex-wife, children, parents, brother, sister, father-in-law, mother-in-law, son-in-law, daughter-in-law, grandchild, grandparent, or by himself.

(k) Condemnation of the premises by a state or municipal agency for public health reasons or for building or housing code violation, or an intent to change the use of the premises to a nonrental or nonresidential use.

(l) The need to vacate the premises in order to safely remedy code violations or make other necessary repairs; provided, however, that, prior to bringing the possessory action, the landlord shall make a written representation to the tenant that the tenant shall be given the first opportunity to reoccupy the premises when the repairs have been completed.

3 Notice to Quit. Amend RSA 540:3 (supp) as amended by striking out said section and inserting in place thereof the following:

540:3 Notice to Quit.

I. For tenancies in nonrestricted property, 30 days notice shall be sufficient in all cases; provided, however, that 7 days notice shall be sufficient if the reason for termination is:

(a) Neglect or refusal to pay rent due and in arrears, upon demand.

(b) Damage to the premises by the tenant, members of his household or guests, beyond reasonable wear and tear; provided, that the tenant is first given written notice of the damage and a reasonable opportunity to pay for the repair of said damage.

(c) Holding over by a lessee after the expiration of a written lease, when the lease specifies a date certain for expiration.

(d) Refusal to surrender the premises by a mortgagor in possession or by anyone claiming under him after the foreclosure of the mortgage.

(e) Conduct by the tenant, whether intentional or neglectful, which substantially threatens the health or safety of the landlord or other tenants.

(f) Use of the premises by the tenant, members of his household or guests for illegal purposes.

(g) Violation of a material condition of a written lease, in which case the notice to quit shall be deemed an entry for condition broken.

II. A tenancy in restricted property may not be terminated except upon giving notice in writing to the tenant under RSA 540:5 to quit from the premises within a period of not less than 30 days; provided, however, that 7 days' notice shall be sufficient if the reason for termination is based on RSA 540:2, II(a), (d), (e), (f) or (h).

III. In the case of a notice to quit to a tenant of restricted property or of a notice to quit of less than 30 days for nonrestricted property, said notice shall state with specificity the reasons for the eviction.

4 Payment After Notice. Amend RSA 540:9 by striking out said section and inserting in place thereof the following:

540:9 Payment After Notice. No tenancy shall be terminated for nonpayment of rent, utility charges or any other lawful charge contained in an oral rental agreement or lease if the tenant, before the expiration of the notice, pays or tenders all arrearages plus \$15 as liquidated damages.

5 Defenses to Violations of Fitness. Amend RSA 540:13-d, I(a) (supp) as inserted by 1979, 305:5 by striking out said subparagraph and inserting in place thereof the following:

(a) The tenant proves by clear and convincing evidence that, while not in arrears in rent, he provided notice of the violation to the person to whom he customarily pays rent; and

6 Continuance. Amend RSA 540:13-d, II (supp) as inserted by 1979, 305:5 by striking out said paragraph and inserting in place thereof the following:

II. If a defendant raises a defense provided in paragraph I of this section, the court may order the action continued for a reasonable time not to exceed one month to enable the plaintiff to remedy the violation. At the time such continuance is ordered, the court shall require the person claiming a defense under this section to pay into court any rent withheld or becoming due thereafter as it becomes due. Upon a finding by the court that the violation has been remedied within the continuance period, the court shall dismiss the possessory action and apportion the rent paid into court by paying to the plaintiff the fair rental value of the premises while in the substantially defective condition and by awarding the remainder of said funds to the defendant as damages for plaintiff's breach of his warranty of habitability. If the violation has not been remedied within such period, the court shall enter judgment for the defendant and refund to the defendant all money deposited.

7 Right to Discovery. Amend RSA 540 by inserting after section 16 the following new section:

540:16-a Right to Discovery.

I. Except as provided in paragraph III of this section, any tenant who within 3 days of the return day files a motion for discovery shall be granted one week to serve interrogatories on the plaintiff or schedule depositions and no hearing on the action shall be scheduled until such discovery has been completed; provided, however, that the defendant shall continue to pay rent as it comes due under the terms of the lease or rental agreement or usual practice, or a hearing shall be scheduled at the request of the plaintiff.

II. Written interrogatories and depositions shall be subject to the rules of the district court, except that all depositions shall be taken and transcribed within 30 days of the return day unless the court orders otherwise for good cause.

III. The right to discovery set forth in this section shall not apply if the tenant is being evicted under RSA 540:2,



11(a), (d), or (e), or if the tenant resides in nonrestricted property.

8 Appeal to Supreme Court. Amend RSA 540:20 as amended by striking out said section and inserting in place thereof the following:

540:20 Appeal.

1. Within 30 days after judgment by a district or municipal court, an aggrieved party may appeal to the supreme court, provided that within 3 working days after the rendition of judgment the appealing party files a notice of appeal in the court in which the judgment was rendered.

II. If the defendant is the appealing party, while the appeal is pending he shall pay to the plaintiff or into court, as the court directs, each rental payment as it becomes due after the notice of appeal is filed in the district or municipal court. In any case in which the duty to pay rent or a portion thereof is in dispute, the defendant shall be required to pay such portion of the rent becoming due after the appeal is filed in court, as the court may direct. These amounts shall be held by the court in escrow until a final decision is rendered. After the final decision has been rendered, the escrowed rent money and any accrued interest on the money shall be apportioned between plaintiff and defendant on the basis of a finding of rent actually due during the pendency of the appeal. For the purpose of this section, "rent" shall mean the amount of money called for by the lease or rental agreement at the time the action for possession was instituted. If the defendant fails to make a rental payment when due under this section, a writ of possession shall issue to the plaintiff upon the filing with the court of a sworn affidavit of nonpayment.

9 Damages on Appeal. Amend RSA 540:23 by striking out said section and inserting in place thereof the following:

540:23 Plaintiff's Damages. If a defendant files a plea of title as provided by RSA 540:17 or appeals to the supreme court and judgment is in favor of the plaintiff, the court shall cause the plaintiff's damages, exemplary or otherwise, to be assessed, including a just compensation for the use and detention of the property or for any injury to the property or for both. The damages shall be assessed by the superior court jury trying the issue, if title was at issue, or by the supreme court, if on appeal.

10 Lease Provisions. Amend RSA 540 by inserting after section 27 the following new sections:

540:28 Lease Provisions. No lease or rental agreement, oral or written, shall contain any provision by which a tenant waives any of his rights under this chapter, and any such waiver shall be null and void.

540:29 Conflict of Laws. Any provisions of RSA 205-A relating to tenancies in mobile home parks or any provision of federal law relating to rental units owned, operated or subsidized by the federal government which are inconsistent with or contrary to the provisions of this chapter shall supersede the provisions of this chapter. Where not inconsistent, the

provisions of RSA 205-A or federal law shall apply in conjunction with the provisions of this chapter.

11 Jurisdictional Reference Deleted.

Amend RSA 491:7 (supp) as amended by striking out in lines 11 through 13 the words "of appeals from district courts in actions against tenants where final judgment has been there rendered;" so that said section as amended shall read as follows:

491:7 Jurisdiction. The superior court shall take cognizance of civil actions and pleas, real, personal and mixed, according to the course of the common law, except such actions as are required to be brought in the district courts under RSA 502-A; of writs of mandamus and quo warranto and of proceedings in relation thereto; of support for children of unwed parents cases; of petition and appeals relating to highways and property taken therefor and for other public use; of factual issues certified by probate courts to the superior court for jury trial, of appeals from commissioners of insolvent estates; of actions commenced in a district court wherein the title to real estate is brought in question, or which for other reasons are transferable to the superior court; of suits in equity; of petitions of divorce, nullity of marriage, alimony, custody of children and allowance to wife from husband's property for support of herself and children; of petitions for new trials; of petitions for partition and for the redemption and foreclosure of mortgages; of all other proceedings and matters to be entered in, or heard at, said court by special provisions of law, and of all other proceedings and matters cognizable therein for which other special provision is not made.

12 Repeal. The following RSA sections are hereby repealed:

I. RSA 540:4, relative to demand for payment.

II. RSA 540:6, relative to violation of a lease.

III. RSA 540:10, relative to holding over by a tenant.

IV. RSA 540:21, relative to procedures on appeal.

V. RSA 540:22, relative to neglect to enter an appeal.

VI. RSA 540:24, relative to recognition by the plaintiff.

VII. RSA 540:25, relative to recognition by the defendant.

13 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 271-FN, establishing the office of utility consumer advocate. Inexpedient to Legislate.

The Committee as a whole felt that this legislation would re-create problems that the Committee had attempted to resolve in the last session. A proposed amendment that would clarify the position and independence of the consumer advocate and provide additional staff was discussed within the Committee

but did not gain support of a majority of the Committee. Vote 12-5. Rep. Harold V. Lynde for Commerce, Housing and Consumer Affairs.

Resolution adopted.

CACR 13, relating to county officers. Providing that said officers be elected or appointed as determined by law. Inexpedient to Legislate.

The Committee feels people should not be deprived of the right to elect their county officers. The potential for an appointment process as provided in this CACR is unwise and would open the door to political patronage. Vote 8-0. Rep. David J. Bouchard for Constitutional Revision.

Report adopted.

HB 218, relative to high school students as non-voting members of school boards.

Majority: Ought to Pass with Amendment.

Minority: Inexpedient to Legislate.

MAJORITY: The majority of the Committee feels that this bill promotes the idea of students becoming more involved in the political process of New Hampshire. This bill does not mandate school boards to appoint a student member to the school board, but expresses support for this practice. The amendment cleans up the bill and clears up some opposition to the original bill. Rep. Dennis R. Bolduc for the Majority of Education.

MINORITY: The minority endorses the philosophy of encouraging students to be actively involved in public affairs. However, it opposes this bill for the following reasons: (a) present statutes allow for student participation if the school board so desires. This is now done in some districts. (b) this bill mandates the provisions local school boards must follow should they wish to add students to their boards. (Reps. John Resch, Ellen-Ann Robinson, Edmund M. Keefe, William A. Riley, Howard F. Mason, Charles J. Quinn, Anna S. Van Loan, Mable Cutting, J. Arthur Tufts for the Minority of Education.)

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to high school students  
as nonvoting members of  
school boards.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Findings and Purpose. This act is intended to further the goal of public education to foster in students an understanding of the rights and responsibilities of citizenship. Citizenship in a democratic society is only

meaningful when there is effective participation by individuals in its political, economic, and social institutions. In order to encourage that participation, this act establishes an optional program, at the discretion of the school board, to select a student from a high school within the district on a rotating basis to serve as a nonvoting member of the school board. The student member will represent to the school board the interests of all public high school students within the district and will keep all public high school students informed of the business of the board. It is expected that student representation will lead to greater mutual understanding and respect among students, school boards, and the general public.

2 School Board Vote. Amend RSA 189 by inserting after section 1-b the following new section:

189:1-c Student Member. In addition to the school board members authorized in RSA 671:4, the members of the school board may choose, by a simple majority to add one nonvoting student member from a high school within its district to the board. If the members of the school board vote to add the nonvoting student member, the powers and duties of the student shall be as described in RSA 194:23-f. Representation in districts having more than one public high school shall rotate on an annual basis, the order to be determined by the board.

3 Students as Nonvoting Member of School Boards. Amend RSA 194 by inserting after section 23-e the following new section:

194:23-f High School Student as School Board Member. The provisions of this section shall apply only to high schools located in a school district in which the school board has voted to have a nonvoting student member pursuant to RSA 189:1-c.

I. In addition to the school board members authorized in RSA 671:4, a high school shall select in accordance with the directives of paragraph II one student from among its members to be a nonvoting member of the school board for the district in which the high school is located. The student member shall have all the rights of a regular school board member regarding school board business except the right to vote.

II. The student board member shall be chosen by a simple majority vote of the high school student body. The student government of the high school shall establish procedures for the nomination and election of candidates. The student government shall also establish a procedure for any public high school student in the school district to petition the student board member to present proposals and opinions to the school board.

III. The student board member shall serve for a term of one year, the school board shall decide the date at which the term shall begin. Any student who will graduate during the term's duration is not eligible to be a candidate and is not eligible to vote. The student government of the high school shall establish a procedure for filling any vacancy that may occur in

this position. The student board member shall serve without pay.

IV. The duties of the student school board member shall include:

(a) Attending all school board meetings except as specified in paragraph V;

(b) Representing all public high school students within the district;

(c) Presenting to the school board specific proposals and opinions from students as directed in paragraph II; and, when appropriate, placing proposals on the school board agenda in accordance with the board procedures;

(d) Serving as a liaison between students and the principal, other faculty, student government advisors, and appropriate outside agencies;

(e) Keeping public high school students informed of the business of the school board.

V. The student school board member shall be excluded from discussions and procedures of the school board involving subjects which are confidential under RSA 91-A.

4 Effective Date. This act shall take effect 60 days after its passage.

Rep. Keefe moved that the report of the Minority, Inexpedient to Legislate, be substituted for the report of the Majority, Ought to Pass with Amendment, and spoke to his motion.

Reps. Winn and William Boucher spoke against the motion.

Rep. Quinn spoke in favor of the motion.

Rep. William Boucher yielded to questions.

Rep. Russell moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 149 NAYS 170

YEAS 149

BELKNAP: Bastraw, Golden, Matthew Locke and David Whittemore.

CARROLL: Heath, Robert Holmes, McIntire, Powers, and Saunders.

CHESHIRE: Boulter, Eugene Clark, Gordon, Grodin, Hickey, Elmer Johnson, Michaelides, Morse, Parker, Perry, William Riley and Scranton.

COOS: Theriault and York.

GRAFTON: Michael King, Stewart and Weymouth.

HILLSBOROUGH: Debora Ahern, Ahrens, Bergeron, Boutwell, John Burns, Leslie Burns, Cronin, Crotty, Donovan, Duffett, Duprey, Durant, Gagnon, Galway, Grasso, Grip, George Hawkins, Hendrick, Keefe, Robert Kelley, Labombarde, Lefebvre, David Lemire, Levesque, Howard Mason, Nute, Marjorie Peters, Pressly, Reidy, Resch, Ellen-Ann Robinson, Russell, Silva, B.P. Smith, Leonard Smith, Soucy, Stylianos, James Sullivan, Turgeon, Van Loan, Roger

Wallace, Ware, Geraldine Watson, Wells, Emma Wheeler, Kenneth Wheeler, Robert Wheeler and Eleanor Whittemore.

MERRIMACK: Allgeyer, Bibbo, Laurent Boucher, Bowes, Samuel Clark, Daniell, Degnan, Lewis, Arthur Locke, McDonnell, Mercier, Pannell, Phelps, Louise Roberts, Walter Robinson, Rogers, Savaria, Shepard, Stark, Lawrence Sullivan and James Whittemore.

ROCKINGHAM: Ames, Bangs, Blanchard, Burdick, Butler, Drake, Ellyson, Greene, Hollingworth, Joslyn, Kane, Keenan, Glenden Kelley, Roger King, Kozacka, Leslie, Lovejoy, Malcolm, Robert Mason, William Moore, Nagel, Newell, Pantelakos, Schmidtsch, Schwaner, Splaine, Stork, Tufts, Walker, Warburton, Webster, Raymond Wood and Woodward.

STRAFFORD: Appleby, Blouin, Bouchard, Chagnon, Creteau, Dingle, Donnelly, Hussey, Robert Jones, Kincaid, Lussier, Musler, Schreiber, Gerald L. Smith, Timm and Ralph Torr.

SULLIVAN: Brodeur, Carlson, Flint, Irwin and Palmer.

NAYS 170

BELKNAP: Birch, Bolduc, Bowler, Dexter, Gary Dionne, French, Hardy, Robert Hawkins, Holbrook, Lamprey, Pearson, Randall and Zeckhausen.

CARROLL: Ashnault, Dickinson, Hraba and Kenneth MacDonald.

CHESHIRE: Barber, Davis, Daniel Eaton, Lane, David Meader, Miller, Margaret Ramsay and William Sullivan.

COOS: Harold Burns, Chappell, Chardon, Coulombe, Guay, Horton, Langley, George Lemire and Valliere.

GRAFTON: Blair, Chambers, Copenhaver, Crory, Densmore, Downing, Driscoll, Easton, Girouard, Harnish, Hutchings, Wayne King, LaMott, Mann, McAvoy, Rounds, Taffe, Walter and Whitcomb.

HILLSBOROUGH: Richard Ahern, Arnold, Arris, Baker, Burkush, Charbonneau, Cote, William Dion, Joseph Eaton, Fields, Ford, Harrington, Head, Humphrey, Jean, Kashulines, Katsiaticas, Evelyn King, Knight, Lyons, Martineau, McGlynn, Migneault, Morrisette, Nelson, Nickerson, O'Rourke, Parmenter, Quinn, Raiche, Peter Ramsey, Robie, Spiro, Mary Sullivan, Sylvia, Talbot, Tamposi, Vachon, Wagner, John Wallace, Harold Watson, M. Arnold Wight, Winn, Lucille Wood and Zajdel.

MERRIMACK: Bardsley, Dean, Gross, Mary Holmes, Jacobson, Kidder, Kinhan, Parrish, Doris Riley, William Roberts, Gerald R. Smith, Stio and Wallner.

ROCKINGHAM: Belanger, Benton, Blaisdell, William Boucher, Campbell, Carpenito, Case,

Cotton, Cressy, Danderson, Day, John  
Flanders, Beverly Gage, Thomas Gage,  
Gregorio, John Hynes, Katsakiores, Krasker,  
LoFranco, Mace, McLane, Nevins, Newman,  
Palumbo, Pevear, Popov, Romoli, Rosencrantz,  
Scamman, Sherburne, Simon, Skinner, Sloan,  
Sochalski, Sytek, Tavitian and Vartanian.

STRAFFORD: Banks, Belhumeur, Bernard,  
Chamberlin, Chisholm, Couture, Demers,  
Albert Dionne, Flynn, Hennessey, Joos,  
Pelley, Francis Robinson, Sackett, Franklin  
Torr and Whiting.

SULLIVAN: Converse, Gray, Ingram, Paul  
Johnson, Reney and Townsend, and the motion  
lost.

Rep. Quinn notified the Clerk that he  
inadvertently voted nay and meant to vote  
yea.

Question being on the Committee  
amendment.

Amendment adopted.

Ordered to third reading.

HB 559, prohibiting experiments on live  
animals in school grades kindergarten  
through 12. Inexpedient to Legislate.

At present there is no concrete evidence  
of live experimentation on animals in  
New Hampshire. The Committee feels the  
legislation is not necessary. Vote  
15-4. Rep. Mary S. Nelson for Education.

Resolution adopted.

HB 451, relative to current use. Ought  
to Pass with Amendment.

The quantity of legislation proposing  
changes in the Current Use statute in  
this session demonstrates enough concern  
to justify interim study by the  
Committee. The amendment widens the  
scope of the study so that attention can  
be given to all the problems  
identified. Vote 17-0. Rep. Elmer L.  
Johnson for Environment and Agriculture.

#### Amendment

Amend the bill by striking out section 1  
and inserting in place thereof the following:

1 Study Committee Established. There  
is hereby established a study committee  
consisting of the members of the environment  
and agriculture committee of the general  
court to review the present method of  
current use assessment as established in RSA  
79-A. The chairman of the environment and  
agriculture committee shall schedule the  
first meeting for this purpose within 30  
days of the effective date of this act. The  
committee shall present a report to the  
general court no later than January 1, 1985.

Amendment adopted.

Rep. Jacobson spoke to the Committee  
report.

Ordered to third reading.

HB 412-FN, establishing the position of  
assistant to the commissioner of the  
department of resources and economic  
development. Ought to Pass with Amendment.

This bill does not create a new  
position, but rather changes the title

of an existing position to make it more  
compatible with the actual duties  
performed, while also maintaining the  
same salary level. Vote 12-8. Rep.  
Dean Dexter for Executive Departments  
and Administration.

#### Amendment

Amend the bill by striking out sections  
1 and 2 and inserting in place thereof the  
following:

1 Position Established. Amend RSA  
12-A:4-c (supp) as inserted by 1977, 600:82  
by striking out said section and inserting  
in place thereof the following:

12-A:4-c Assistant to the Commissioner:  
Position Established. The commissioner of  
the department of resources and economic  
development shall appoint an assistant who  
shall be qualified by education and  
experience. The assistant to the  
commissioner shall be an unclassified  
employee and serve at the pleasure of the  
commissioner. The salary of the assistant  
to the commissioner shall be as provided in  
RSA 94:1-a.

2 Salary. Amend RSA 94:1-a, I (supp)  
as inserted by 1975, 505:28 as amended by  
striking out in Group J the line "Travel  
research analyst" and inserting in place  
thereof the following (Assistant to the  
commissioner of the department of resources  
and economic development).

Amendment adopted.

Ordered to third reading.

HB 354, relative to increasing the legal  
length for taking lobster. Majority: Ought  
to Pass with Amendment. Minority:  
Inexpedient to Legislate.

MAJORITY: The Committee felt that there  
was strong support in testimony at the  
public hearing held on March 16 and in  
letters of communication received since  
the public hearing. The amendment  
changes the effective date to April 1,  
1984. Vote 9-3. Rep. Marshall French  
for the Majority of Fish and Game.  
MINORITY: This bill affects only 353  
people who hold lobster licenses and  
could cause them anywhere from 8 percent  
to 20 percent loss of income for a  
period of 1 1/2 years. It would have a  
terrible effect on the small lobster  
fisherman. It will also reflect on the  
consumer as it would take lobster off  
the New Hampshire working man's table.  
(Rep. Laura Pantelakos for the Minority  
of Fish and Game.)

#### Amendment

Amend the bill by striking out section 2  
and inserting in place thereof the following:

2 Effective Date. This act shall take  
effect April 1, 1984.

Rep. Pantelakos moved that the report of  
the Minority, Inexpedient to Legislate, be  
substituted for the report of the Majority,  
Ought to Pass with Amendment, and spoke to  
her motion.

Reps. Drake and Blanchard spoke against  
the motion.



Rep. Newman spoke in favor of the motion.

Rep. Townsend moved the previous question. Sufficiently seconded. Adopted.

Rep. French requested a roll call. Sufficiently seconded.

Rep. Albert Dionne abstained from voting under Rule 16.

(Speaker presiding)

YEAS 73 NAYS 251

YEAS 73

BELKNAP: Bolduc, Gary Dionne, Golden and Matthew Locke.

CARROLL: Heath.

CHESHIRE: Barber, Elmer Johnson and Michaelides.

COOS: Langley, Valliere and York.

CRAFTON: Chambers, Downing, Hutchings, Wayne King, Ward and Whitcomb.

HILLSBOROUGH: Ahrams, Bergeron, Burkush, Cote, Donovan, Cagnon, Grasso, Kaklamanos, Kashulines, Katsiaticas, Levesque, Lynde, Martineau, McGlynn, Morrisette, Nute, Paradis, Parmenter, Robie, Soucy, Spirou, Mary Sullivan, Vachon, Wells, Winn and Zajdel.

MERRIMACK: Kinhan, Louise Roberts and James Whittemore.

ROCKINGHAM: Blaisdell, Butler, Cotton, Ellyson, Harry Flanders, Gregorio, Hollingworth, Krasker, Leslie, LoFranco, Nagel, Newman, Pantelakos, Romoli, Rosencrantz, Schmidtchen, Splaine and Warburton.

STRAFFORD: Belhumeur, Bouchard, Demers, Flynn, Joos, Lussier and Musler.

SULLIVAN: Brodeur and Paul Johnson.

NAYS 251

BELKNAP: Bastraw, Birch, Dexter, French, Robert Hawkins, Holbrook, Lamprey, Pearson, Sanders, David Whittemore and Zeckhausen.

CARROLL: Ashnault, Dickinson, Robert Holmes, Hraha, Kenneth MacDonald, McIntire, Murphy, Powers and Saunders.

CHESHIRE: Boulter, Eugene Clark, Crane, Davis, Daniel Eaton, Gordon, Grodin, Hickey, Lane, David Meader, Morse, Parker, Perkins, Perry, Margaret Ramsay, William Riley and William Sullivan.

COOS: Harold Burns, Chappell, Chardon, Coulombe, Cuay, Horton, George Lemire, Oleson and Theriault.

CRAFTON: Blair, Christy, Copenhaver, Densmore, Driscoll, Duggan, Easton, Girouard, Harnish, Michael King, LaMott, Logan, Mann, McAvoy, Rounds, Stewart, Taffe, Walter and Weymouth.

HILLSBOROUGH: Debora Ahern, Richard Ahern, Arris, Bolan, Boutwell, John Burns, Leslie

Burns, Charbonneau, Craig, Cronin, Crotty, William Dion, Duffett, Duprey, Durant, Joseph Eaton, Fields, Ford, Galway, Grip, Harrington, George Hawkins, Head, Daniel Healy, Hendrick, Humphrey, Jean, Keefe, Robert Kelley, Evelyn King, Knight, Labomharde, John Lawrence, Leclerc, Lefebvre, David Lemire, Lyons, Howard Mason, Migneault, Nelson, Nickerson, O'Rourke, Pressly, Quinn, Raiche, Reidy, Resch, Ellen-Ann Robinson, Roy, Russell, Silva, B.P. Smith, Leonard Smith, Stylianos, Sylvia, Talbot, Tamposi, Turgeon, Van Loan, Wagner, John Wallace, Roger Wallace, Geraldine Watson, Harold Watson, Emma Wheeler, Kenneth Wheeler, Robert Wheeler, Eleanor Whittemore, M. Arnold Wight and Lucille Wood.

MERRIMACK: Bardsley, Bibbo, Bowes, Chynoweth, Samuel Clark, Daniell, Dean, Degnan, Cross, Mary Holmes, Kidder, Lewis, Arthur Locke, McDonnell, Mercier, Pannell, Parrish, Phelps, Doris Riley, William Roberts, Walter Robinson, Rogers, Savaria, Shepard, Gerald R. Smith, Stark, Stio, Lawrence Sullivan, Underwood and Wallner.

ROCKINGHAM: Ames, Bangs, Belanger, Beliveau, Benton, Blanchard, William Boucher, Burdick, Campbell, Carpenito, Case, Cressy, Danderson, Day, Drake, John Flanders, Beverly Gage, Thomas Gage, Greene, John Hynes, Joslyn, Kane, Katsakiores, Keenan, Glenden Kelley, Roger King, Kozacka, Longworth, Lovejoy, Mace, Malcolm, Robert Mason, McLane, William Moore, Nevins, Newell, Palumbo, Pevear, Popov, Quimby, Scamman, Schwaner, Sherburne, Simon, Skinner, Sloan, Sochalski, Sytek, Tavitian, Tufts, Vartanian, Walker, Webster, Raymond Wood and Woodward.

STRAFFORD: Appleby, Banks, Bernard, Blouin, Chagnon, Chamberlin, Chisholm, Couture, Creteau, Dingle, Donnelly, Hennessey, Hussey, Kincaid, Pelley, Francis Robinson, Sackett, Schreiber, Gerald L. Smith, Timm, Franklin Torr, Ralph Torr and Whiting.

SULLIVAN: Carlson, Converse, Gray, Ingram, Irwin, Palmer, Reney and Townsend, and the motion lost.

Seat 2-9 was recorded as voting nay on the roll call to HB 354. Rep. Hickey was on excused absence on April 19, 1983.

Question being on the Committee amendment.

Amendment adopted.

Ordered to third reading.

HB 373, permitting properly registered OHRVs to operate on certain designated roads and trails. Inexpedient to Legislate.

The Committee felt that this bill was not necessary because the Fish and Game Commission is addressing this issue without the need of legislation. Vote 11-1. Rep. Laura Pantelakos for Fish and Game.

Resolution adopted.

HB 498-FN, establishing a state wild duck and goose stamp and a waterfowl conservation account. Ought to Pass with Amendment.

All testimony was favorable in passage of this bill including the Fish and Game Department, New Hampshire Waterfowl Association, Ducks Unlimited and many others. Vote 14-1. Rep. Laura Pantelakos for Fish and Game.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

establishing migratory waterfowl stamp and a waterfowl conservation account.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

#### 1 State Migratory Waterfowl Stamp.

Amend RSA 214 by inserting after section 1-c the following new section:

214:1-d State Migratory Waterfowl Stamp Required.

I. No person shall at any time hunt, shoot, pursue, kill or take migratory waterfowl without first procuring, in addition to the applicable hunting license required by RSA 214 and the federal duck stamp required by RSA 209:6 a stamp to do so under RSA 214:9, XII, for the same period. The stamp must be permanently affixed to the back of the hunting license and signed across the face in a permanent manner with the applicant's signature. A person under the age of 16 years may hunt, shoot, pursue, kill or take migratory waterfowl without such a stamp, provided that, while so doing, he is accompanied by an adult who has procured such a stamp. For the purpose of this section, migratory waterfowl shall mean ducks, mergansers, coots, geese and brant.

II. The state treasurer shall establish a separate non-lapsing account within the fish and game fund, to be known as the waterfowl conservation account, to which shall be credited all fees collected by the fish and game department from the sale and issuance of state migratory waterfowl stamps, all donations received under paragraph III, and all proceeds derived from the art created for the stamp under paragraph IV. The money in the account, from whatever source, shall be used exclusively in the state of New Hampshire for the following purposes and are hereby appropriated for said purposes:

(a) the development, management, preservation, conservation, restoration, acquisition, and maintenance of migratory waterfowl habitat, including the development of state wetlands and shores and designated waterfowl management marshes for maximum migratory waterfowl production, access to such areas, and acquisition of necessary barriers;

(b) the protection, conservation, and propagation of migratory waterfowl; and

(c) the payment of necessary related administrative costs in an amount not to exceed 10 percent of the annual deposits into said account.

III. The state treasurer is hereby authorized to accept donations into the waterfowl conservation account from sources other than the proceeds from the sale of the state migratory waterfowl stamps.

IV. The executive director, with the approval of the commission, shall adopt rules, pursuant to RSA 541-A, relative to the form, design and manner of issuance of the state migratory waterfowl stamp, and may, with the approval of the commission, provide for the reproduction, sale, licensing and other disposal of art created for the stamp, provided that all money received by the fish and game department derived from the art shall be added to the waterfowl conservation account. The art for the stamp may be selected through an art contest which shall be regulated by the executive director with the approval of the commission.

V. The funds in the waterfowl conservation account shall be expended for the purposes stated in paragraph II(a)-(c) as determined by the executive director with the approval of the commission. Before the executive director and the commission approve any expenditure of funds from the account, the fish and game department shall analyze the proposed project and provide the executive director and the commission with recommendations as to the project's usefulness and feasibility.

VI. The executive director and the commission shall submit to the general court at each regular session a report summarizing the receipts and disbursements from the waterfowl conservation account and the public benefits derived from the disbursements from it. This report shall also be available to the public after its submission to the general court.

VII. Any person who violates any provision of this section or RSA 214:9, XII, or any rule adopted under this section, shall be guilty of a violation, and shall be guilty of a separate offense for each migratory waterfowl bird taken.

2 Fees. Amend RSA 214:9 by inserting after paragraph XI the following new paragraph:

XII. If the applicant wishes to hunt migratory waterfowl, \$4.00, and the agent shall thereupon issue a state migratory waterfowl stamp which shall entitle the licensee to hunt, shoot, kill and take migratory waterfowl during such time and in such manner and numbers as may be allowed under RSA 209:6. The agent shall be entitled to retain a fee of \$.50 for each migratory waterfowl stamp sold and all migratory waterfowl stamps sold at the department headquarters or any subagency thereof shall charge the same fee which shall be credited to the general fish and game fund.

3 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Referred to Appropriations.



HB 624, relative to informed consent.

Majority: Inexpedient to Legislate.

Minority: Ought to Pass with Amendment.

MAJORITY: The relationship between doctor and patient is very tenuous and the trust in the doctor that a patient has can be so easily put off by a bill of this sort. Some things the patient wants to know and what he needs to know should be left to the doctor-patient relationship. It is so very delicate and can be shaken by a bill of this sort. There are some things that legislation cannot interfere with. Vote 10-6. Rep. Mary J. Sullivan for the Majority of Health and Welfare.

MINORITY: The minority of the Committee believes that this bill benefits both the physician and his patient. It obviously gives the patient an opportunity for an intelligent decision as to unbending procedures. (Reps. Eugene S. Daniell, Jr., Marion L. Copenhaver, Joseph M. MacDonald, Mary Jane Wallner, Louise P. Roberts, Romeo W. Jean for the Minority of Health and Welfare.)

Rep. Daniell moved that the report of the Minority, Ought to Pass with Amendment, be substituted for the report of the Majority, Inexpedient to Legislate, and spoke to his motion.

Reps. Head and Mary Sullivan spoke against the motion.

Reps. Girouard, Hollingworth and Copenhaver spoke in favor of the motion.

Reps. Sochalski and Knight spoke against the motion and yielded to questions.

Rep. Russell moved the previous question. Sufficiently seconded. Adopted.

Rep. Daniell requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 121 NAYS 187

YEAS 121

BELKNAP: Bolduc, Gary Dionne, Golden, Robert Hawkins, Matthew Locke and Sanders.

CARROLL: Murphy.

CHESHIRE: Barber, Boulter, Eugene Clark, Daniel Eaton, Elmer Johnson, Matson, David Meader, Michaelides, Miller, William Riley and William Sullivan.

COOS: Coulombe, Guay, Theriault and Valliere.

GRAFTON: Chambers, Copenhaver, Easton, Girouard, Hutchings, Michael King, Stewart and Whitcomb.

HILLSBOROUGH: Abrams, Baker, Bergeron, Bolan, Boutwell, John Burns, Leslie Burns, Cote, Crotty, Donovan, Harrington, Jean, Kaklamanos, Kashulines, Robert Kelley, Evelyn King, David Lemire, Lynde, Lyons, Migneault, Morrisette, Nelson, O'Rourke, Parmenter, Raiche, Reidy, Robie, Roy, Leonard Smith, Soucy, Spirou, Talbot, Vachon, John Wallace, Roger Wallace, Wells, Robert Wheeler, M. Arnold Wight and Winn.

MERRIMACK: Bardsley, Chynoweth, Samuel Clark, Daniell, Mercier, Pannell, Louise Roberts, Savaria, Stio, Lawrence Sullivan, Underwood, and Wallner.

ROCKINGHAM: Carpenito, Case, Cotton, Cressy, Thomas Gage, Hollingworth, Kane, Keenan, Kozacka, Krasker, Leslie, LoFranco, McLane, Newman, Pantelakos, Pevear, Rosencrantz, Schwane, Sherburne, Walker, Warburton and Woodward.

STRAFFORD: Banks, Belhumeur, Blouin, Chagnon, Demers, Dingle, Joos, Kincaid, Pelley, Francis Robinson, Schreiber, Timm and Ralph Torr.

SULLIVAN: Brodeur, Carlson, Converse, Ingram and Irwin.

NAYS 187

BELKNAP: Bastraw, Birch, Dexter, French, Holbrook, Lamprey, Pearson and David Whittemore.

CARROLL: Ashnault, Dickinson, Robert Holmes, Hraba, Kenneth MacDonald, McIntire and Powers.

CHESHIRE: Crane, Davis, Gordon, Grodin, Lane, Morse, Parker, Perkins, Perry, Margaret Ramsay and Scranton.

COOS: Harold Burns, Chappell, Chardon, Horton, Langley, George Lemire and York.

GRAFTON: Blair, Christy, Downing, Driscoll, Duggan, Harnish, Logan, Mann, McAvoy, Rounds, Taffe, Walter and Weymouth.

HILLSBOROUGH: Debora Ahern, Arris, Bass, Burkush, Charbonneau, Craig, Cronin, William Dion, Duffett, Duprey, Joseph Eaton, Fields, Ford, Gagnon, Galway, Grasso, George Hawkins, Head, Daniel Healy, Hendrick, Humphrey, Keefe, Knight, Labombard, John Lawrence, Levesque, Martineau, Howard Mason, McGlynn, Nickerson, Nute, Paradis, Pressly, Quinn, Peter Ramsey, Resch, Ellen-Ann Robinson, Russell, Silva, B.P. Smith, Stylianos, Mary Sullivan, Sylvia, Tamposi, Turgeon, Van Loan, Wagner, Geraldine Watson, Harold Watson, Emma Wheeler, Kenneth Wheeler, Eleanor Whittemore, Lucille Wood and Zajdel.

MERRIMACK: Allgeyer, Bibbo, Laurent Boucher, Bowes, Dean, Degnan, Cross, Mary Holmes, Kidder, Kinhan, Lewis, Arthur Locke, McDonnell, Nichols, Phelps, Doris Riley, Walter Robinson, Rogers, Shepard, Gerald R. Smith, Stark and James Whittemore.

ROCKINGHAM: Ames, Bangs, Beliveau, Benton, Blanchard, Burdick, Butler, Campbell, Danderson, Day, Ellyson, Harry Flanders, John Flanders, Beverly Gage, John Hynes, Joslyn, Katsakiores, Glenden Kelley, Roger King, Lovejoy, Mace, Malcolm, Robert Mason, William Moore, Nagel, Nevins, Newell, Palumbo, Popov, Quimby, Romoli, Schmidtchen, Simon, Skinner, Sloan, Sochalski, Sytek, Tavitian, Tufts, Vartanian, Vecchione, Webster and Raymond Wood.

STRAFFORD: Appleby, Bernard, Bouchard, Chamberlin, Chisholm, Couture, Creteau, Albert Dionne, Flynn, Hennessey, Hussey, Lussier, Musler, Sackett, Gerald L. Smith, Franklin Torr and Whiting.

SULLIVAN: Gray, Paul Johnson, Palmer, Reney and Townsend, and the motion lost.

Question being on the report of the Majority, Inexpedient to Legislate.  
Resolution adopted.

HR 31, requesting that the United States Supreme Court reverse its position on the issue of abortion as established in the 1973 case of Roe v. Wade. Inexpedient to Legislate.

The majority of the Committee felt that it is not within the province of individuals to dictate to the Supreme Court. Vote 16-3. Rep. Samuel D. Clark for Health and Welfare.

Rep. Locke moved that the words, Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate, and spoke to his motion.

Rep. Schwaner spoke in favor of the motion.

Rep. Krasker moved that HR 31 be laid upon the table.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 246 NAYS 68

YEAS 246

BELKNAP: Birch, Bolduc, Bowler, Gary Dionne, French, Hardy, Lamprey, Pearson, Sanders, David Whittemore and Zeckhausen.

CARROLL: Ashnault, Dickinson, Heath, Robert Holmes, Hraba, Kenneth MacDonald, Murphy, Powers and Saunders.

CHESHIRE: Barber, Boulter, Crane, Davis, Daniel Eaton, Gordon, Hickey, Lane, David Meader, Michaelides, Miller, Perkins, Margaret Ramsay, William Riley, Scranton and William Sullivan.

COOS: Harold Burns, Chardon, Coulombe, Langley, Oleson and York.

GRAFTON: Blair, Christy, Copenhaver, Crory, Downing, Driscoll, Duggan, Easton, Girouard, Harnish, Michael King, Logan, Mann, McAvoy, Rounds, Stewart, Taffe, Walter, Weymouth and Whitcomb.

HILLSBOROUGH: Debora Ahern, Arnold, Arris, Bass, Bergeron, Boutwell, Burkush, Leslie Burns, Charbonneau, Craig, Cronin, Crotty, William Dion, Durant, Fields, Ford, Galway, Grasso, Grip, Harrington, George Hawkins, Head, Daniel Healy, Hendrick, Humphrey, Jean, Katsiaticas, Keefe, Robert Kelley, Evelyn King, Knight, Labombarde, John Lawrence, David Lemire, Levesque, Lynde, McGlynn, Migneault, Morrisette, Nickerson, Nute, O'Rourke, Parmenter, Pressly, Quinn, Raiche, Peter Ramsey, Reidy, Resch, Ellen-Ann Robinson, Roy, Russell, Silva, B.P. Smith, Leonard Smith, Soucy, Spirou,

Stylianous, James Sullivan, Sylvia, Talbot, Tamposi, Turgeon, Vachon, Van Loan, Wagner, Geraldine Watson, Harold Watson, Wells, Robert Wheeler, Eleanor Whittemore, M. Arnold Wight, Winn, Lucille Wood and Zajdel.

MERRIMACK: Allgeyer, Bardsley, Bibbo, Laurent Boucher, Bowes, Chynoweth, Samuel Clark, Dean, Degnan, Mary Holmes, Kidder, Kinhan, Lewis, McDonnell, Mercier, Nichols, Pannell, Parrish, Phelps, Louise Roberts, Walter Robinson, Rogers, Savaria, Gerald R. Smith, Stio, Lawrence Sullivan, Underwood and Wallner.

ROCKINGHAM: Ames, Bangs, Belanger, Blanchard, Burdick, Butler, Campbell, Carpenito, Case, Cotton, Danderson, Drake, Harry Flanders, Beverly Gage, Thomas Gage, Greene, Hollingworth, John Hynes, Katsakiores, Keenan, Glenden Kelley, Roger King, Kozacka, Krasker, Leslie, LoFranco, Longworth, Lovejoy, Mace, Malcolm, McLane, William Moore, Nagel, Newell, Newman, Palumbo, Pantelakos, Pevear, Popov, Quimby, Romoli, Rosencrantz, Sherburne, Simon, Skinner, Sloan, Vartanian, Vecchione, Walker, Webster and Woodward.

STRAFFORD: Appleby, Banks, Belhumeur, Bernard, Blouin, Chamberlin, Chisholm, Couture, Albert Dionne, Flynn, Hennessey, Joos, Kincaid, Musler, Pelley, Francis Robinson, Sackett, Gerald L. Smith, Franklin Torr and Ralph Torr.

SULLIVAN: Brodeur, Carlson, Converse, Flint, Gray, Irwin, Paul Johnson, Palmer, Reney and Townsend.

NAYS 68

BELKNAP: Dexter, Golden, Robert Hawkins, Holbrook and Matthew Locke.

CARROLL: McIntire.

CHESHIRE: Eugene Clark, Grodin, Elmer Johnson, Morse, Parker and Perry.

COOS: Chappell, Guay, Horton, George Lemire, Theriault and Valliere.

GRAFTON: Densmore and Hutchings.

HILLSBOROUGH: Richard Ahern, Baker, Bolan, John Burns, Cote, Donovan, Duprey, Joseph Eaton, Gagnon, Kaklamanos, Kashulines, Martineau, Nelson, Paradis, Robie, Mary Sullivan, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Daniell, Arthur Locke, Shepard, Stark and James Whittemore.

ROCKINGHAM: Beliveau, Benton, Day, Ellyson, John Flanders, Joslyn, Robert Mason, Nevins, Schwaner, Sochalski, Sytek, Tavitian, Tufts, Warburton and Raymond Wood.

STRAFFORD: Bouchard, Chagnon, Creteau, Dingle, Donnelly, Hussey, Lussier, Timm and Whiting.

SULLIVAN: Ingram, and HR 31 was laid upon the table.

Rep. Grodin notified the Clerk that he wished to be recorded in favor of the Committee report, Inexpedient to Legislate on HR 31.

HB 200-FN, creating a state funded unified court system and making an appropriation therefor. Ought to Pass with Amendment.

This bill, as amended, changes the current hybrid system of financing our state courts. Under HB 200 the state will gradually assume personnel and operating costs of all district, municipal, and superior courts. The amendment requires the Court Accreditation Commission to determine the cost of acquiring court facilities and to develop a plan for state takeover of these costs as well. To alleviate the backlog that currently exists and to sharply reduce the use of masters or non-judges who hear civil cases, the bill provides for a phase-in of ten superior court justices over the next three years. Additionally the bill calls for establishment of a uniform fee schedule for uncontested motor vehicle violations. Vote 16-2. Rep. Donna P. Sytek for Judiciary.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Purpose. This bill is the culmination of the efforts of the supreme court and the legislature's select commission to study a unified court system created by 1979, 488. It follows the recommendations of the New Hampshire Bar Association, the special committee to study revenue reform at all levels of government established by 1981, 386, the New Hampshire Municipal Association, and the New Hampshire Association of Counties as well as numerous other groups seeking a state funded unified court system.

Amend RSA 106-B:10 as inserted by section 14 of the bill by striking out same and inserting in place thereof the following:

106-B:10 Disposition of Fees. Any fee for the performance of an act in line of duty or reward for the apprehension or conviction of any person, for the recovery of any property, received by or payable to an employee, shall be paid by him to the director of motor vehicles who shall immediately forward the same to the state treasurer.

Amend RSA 260:23 as inserted by section 16 of the bill by striking out same and inserting in place thereof the following:

260:23 Disposition of Receipts. All fees, fines and forfeitures received by any person under the provisions of any laws of the state relative to the use and driving of vehicles shall be paid to the department within 14 days after the receipt thereof, and all moneys received by the department shall be paid monthly to the state treasurer.

Amend RSA 490:19 as inserted by section 18 of the bill by striking out same and inserting in place thereof the following:

490:19 Clerk. The court shall appoint a clerk, who shall be removable at

pleasure. He shall perform all the duties herein specifically required of him and such other duties as usually appertain to that office. His salary shall be in full compensation for the performance of all duties as clerk, pursuant to the court's compensation system.

Amend the bill by striking out section 20 and inserting in place thereof the following:

20 Additional Superior Court Justices. Amend RSA 491:1 (supp) as amended by striking out said section and inserting in place thereof the following:

491:1 Justices. For fiscal year 1984, the superior court shall consist of a chief justice and 17 associate justices; for fiscal year 1985, the superior court shall consist of a chief justice and 20 associate justices; and for fiscal year 1986 and succeeding years, the superior court shall consist of a chief justice and 24 associate justices. Said justices shall be appointed and commissioned as prescribed by the constitution and shall exercise the powers of the court unless otherwise provided.

Amend RSA 491-A:2 as inserted by section 21 of the bill by striking out same and inserting in place thereof the following:

491-A:2 Judicial Branch Salary Adjustment Fund.

1. Whereas, upon occasion due to vacancies and personnel turnover, salaries, increment increases and longevity payments as provided by appropriations are not needed for certain positions, each quarter the office of administrative services shall transfer said unneeded amounts from the general appropriation to a special account to be known as the judicial branch salary adjustment fund. Funds in this account shall be used to provide for salary adjustments for which appropriations have not been made. This fund shall lapse at the end of each fiscal year.

11. Whereas appropriations for benefits for certain positions may not be totally needed for each position due to vacancies and personnel turnover, each quarter the office of administrative services shall transfer said unneeded amounts from the general appropriation to a special account to be known as the judicial branch benefit adjustment account. This fund shall lapse at the end of each fiscal year. Funds in this account shall be used to provide adjustments to legally authorized employee benefits.

Amend RSA 498:13 as inserted by section 22 of the bill by striking out same and inserting in place thereof the following:

498:13 Fees of Masters, etc. In special cases the court may, within the appropriation limits established by the legislature, allow a reasonable compensation to masters for their services and expenses, including stenographer's fees in cases where the employment of a stenographer is authorized by the court, which shall be paid by the state.

Amend RSA 502:14 as inserted by section 29 of the bill by striking out same and inserting in place thereof the following:

502:14 Duties of Clerk; Disposition of Fines. The clerk shall receive all fines

and forfeitures paid into the municipal court from any source. After deducting witness fees, court seal, record books, printing blanks, and such other expenses as may be legally incurred in the maintenance and conduct of said court the clerk shall, except in cases otherwise provided, pay the same over to the state comptroller, or to such department or agency of the state as the law provides within 14 days. All expenses related to the processing of parking violations and the collection of parking fines shall be the responsibility of the local unit of government and all fines so collected shall be retained by the local unit of government.

Amend RSA 502-A:6, II as inserted by section 32 of the bill by striking out same and inserting in place thereof the following:

II. SALARIES OF SPECIAL JUSTICES. The annual salaries of the special justices of the district courts shall be an amount equal to 30 percent of the salary paid to justices as provided in paragraph I, except that the special justice may be paid \$150 for each day or part thereof that he shall serve in said capacity as determined by the supreme court; provided, however, in the event of the death, resignation or retirement of the justice and when no appointment is made to fill the vacancy caused thereby for a period of 60 days, the special justice shall then be paid the salary of the justice until his vacancy is filled; and provided further, that if the justice is absent due to illness or disqualification for any other reason for a period of more than 60 days, the special justice shall be entitled to the salary of the justice until the justice is able to assume his duties. Whenever a member of the New Hampshire bar who is a disinterested justice of the peace within the district sits in the district court by request or whenever a justice or special justice sits in another court by request, he shall be paid \$30 per hour for each hour or part thereof that he shall serve in said capacity; provided, however, that he shall not receive more than \$150 for such service in any one day.

Amend RSA 502-A:6, III as inserted by section 33 of the bill by striking out same and inserting in place thereof the following:

III. Salaries of Clerks. The annual salary of the clerks of each district court shall be set by the justice of that court in accordance with the personnel procedures and compensation system established by the supreme court.

Amend RSA 502-A:6, V as inserted by section 34 of the bill by striking out same and inserting in place thereof the following:

V. Salaries of Deputy Clerks. The annual salary of the deputy clerk of each district court shall be set by the justice and clerk of that court in accordance with the personnel procedures and compensation system established by the supreme court.

Amend RSA 502-A:8 as inserted by section 36 of the bill by striking out same and inserting in place thereof the following:

502-A:8 Duties of Clerks; Disposition of Fines. The clerk shall receive all fines and forfeitures paid into the district court from any source. After deducting witness

fees, court seal, record books, printing blanks, and such other expenses as may be legally incurred in the maintenance and conduct of said court, the clerk shall, except in cases otherwise provided, pay the same over to the state comptroller, or to such department or agency of the state as the law provides, within 14 days. All expenses related to the processing of parking violations and the collection of parking fines shall be the responsibility of the local unit of government and all fines so collected shall be retained by the local unit of government.

Amend the bill by striking out section 37 and inserting in place thereof the following:

37 Duties of Court Accreditation Commission. Amend RSA 490:5-c by inserting after paragraph II the following new paragraph:

II-a. Shall inspect each court facility in New Hampshire to determine the current market value, the square footage allocated for court use and ancillary court use, the current market value of all court furnishings, and the need for and projected cost of facility renovations within existing approved standards. The commission shall employ architects, engineers, or such other professionals as are required to complete the inspection within the limit of funds appropriated therefor. However, the commission shall not mandate any facility renovations which result in further local or county expenditures. The commission shall submit a report and plan for state absorption of local court facility costs to the supreme court no later than November 1, 1984, and the court shall submit the plan to the speaker of the house and the president of the senate by December 15, 1984, for consideration by the legislature at the next regular session. The commission's plan shall provide that all court facility costs will be borne by the state after December 31, 1986.

Amend RSA 502-A:19-b, I and II as inserted by section 38 of the bill by striking out same and inserting in place thereof the following:

I. Such defendant shall receive, in addition to his summons, a uniform fine schedule entitled "Notice of Fine, New Hampshire District and Municipal Courts" which shall contain the normal fines for violations of the provisions of Title XXI on vehicles, excluding violations of RSA 265:79, 265:82 or any offense for which the penalty is a misdemeanor or felony. Defendant shall be given a notice of fine indicating the amount of his fine plus penalty assessment at the time the summons is issued, except, if for cause, the summoning authority wishes the defendant to appear personally. Defendants summoned to appear personally must do so on the arraignment date specified in the summons. Defendants who are issued a summons and notice of fine and who wish to plead guilty or nolo contendere shall enter their plea on the summons and return it with payment of the fine plus penalty assessment to the clerk of the court prior to the arraignment date or appear in court on the date of arraignment.



11. If a defendant does not enter such a plea by mail prior to the arraignment date and if he does not appear personally on that date, the court may determine what the fine would be upon a plea of guilty or nolo contendere and may impose an administrative processing fee in addition to the fine and penalty assessments. The amount of this administrative fee shall be determined by the New Hampshire supreme court in accordance with the provisions of paragraph V. The court may continue the case to a definite date for arraignment. The clerk shall forthwith mail or deliver to the defendant a waiver of hearing form, approved by the administrative committee of the district and municipal courts, to be completed and returned by the defendant to the court no later than the date to which the arraignment has been continued, together with the fine assessed by the court.

Amend RSA 502-A:31 as inserted by section 41 of the bill by striking out same and inserting in place thereof the following:

502-A:31 District Courtrooms. Court shall be held in a public building or in another place provided by the city or town in which it is located. However, court shall be held only in a room or rooms in which space is provided for the justice to sit apart from the parties, counsel, witnesses and spectators, and in which adequate seating accommodations are available for all persons lawfully present. A separate room shall be provided for the use of the clerk of court with sufficient space to conduct court business. The justice shall require that his courtroom at all times shall be kept clean and maintained in an orderly and dignified manner. In no case, however, shall court be held in a private residence or a place of business.

Amend RSA 548:14 as inserted by section 55 of the bill by striking out same and inserting in place thereof the following:

548:14 Deputy Registers. Registers of probate may appoint deputies to perform the duties of their office in case of sickness or the temporary absence of the officer making the appointment. Such appointment shall be made in writing and shall be for a length of time not exceeding 2 years. The deputy shall be qualified in the same manner as the appointing officer.

Amend RSA 548:14-a as inserted by section 56 of the bill by striking out same and inserting in place thereof the following:

548:14-a Additional Deputy Registers. The registers may appoint sufficient deputies to assist them in the performance of their functions; however, in no instance, shall such an appointment entitle the person appointed to additional compensation.

Amend RSA 548:17 as inserted by section 58 of the bill by striking out same and inserting in place thereof the following:

548:17 Salaries. The annual salaries of the registers of probate shall be established by the supreme court in accordance with the compensation system established by the supreme court. The register shall set the salary of the deputy register and all nonjudicial court support staff being directly supervised by the register consistent with the personnel

procedures and compensation system established by the supreme court.

Amend RSA 592-A:12 as inserted by section 59 of the bill by striking out same and inserting in place thereof the following:

592-A:12 Payment of Witnesses in Criminal Cases. Any person who attends any court for the state pursuant to subpoena shall be paid the witness fees provided by RSA 516:16. It shall be the duty of the clerk of court to maintain a register of all persons who have been required to attend court for the state. From this register the clerk of court shall pay all witness fees at least monthly to all persons who are entitled to such fees as appears by said register. The payment of such witness fees shall follow procedures established by the supreme court.

Amend RSA 597:3 as inserted by section 60 of the bill by striking out same and inserting in place thereof the following:

597:3 Money Deposited. All money deposited for bail shall be held for the use of the state until the clerk of the superior court where the bail is deposited shall certify that no liability exists against the bail.

Amend RSA 597:33 as inserted by section 61 of the bill by striking out same and inserting in place thereof the following:

597:33 Judgment. The superior court may render judgment for the whole amount of any forfeited recognizance, and interest and costs, or for such part thereof as, after hearing counsel, the court may think proper, according to any special circumstances in evidence affecting the case or the party liable.

Amend the bill by striking out all after section 62 and inserting in place thereof the following:

63 Allocation of Costs. Notwithstanding any other provision of law and except as provided in section 65 of this act, the state shall assume all costs of court personnel in all courts in this state, including the salary and benefit costs for justices, clerks, clerical personnel, registers of probate, masters, court stenographers, secretaries and referees, on January 1, 1984. On July 1, 1984, the state shall assume responsibility for all court operating expenses, including witness fees and the costs of auditors and jurors, but not the costs of facility construction, maintenance and improvement for the municipal, district, probate and superior courts. On January 1, 1984, all court revenues shall be paid to the state comptroller or to a state department or agency, including all fees, fines and forfeitures.

64 Transition Provision. From January 1, 1984, through June 30, 1984, the order of the superior court shall be a sufficient voucher for the payment of all usual and customary superior court costs not paid for by the state. The clerk of court shall furnish the county commissioners with a duplicate order showing the class of expenditure, date and amount for such expenses.

65 Special Provision for Fiscal Year 1985. For the fiscal year ending June 30,

1985, the state shall pay all costs of operation for the superior and probate courts; provided, however, that the counties shall reimburse the state, up to a total amount of \$2,750,000, for superior court and probate court costs on a pro rata basis according to population figures in the most recently published statistical abstract of the United States. Such reimbursement shall occur on or before July 31, 1985.

66 Appropriation. There is hereby appropriated for the fiscal year ending June 30, 1984, for the purposes of this act the following sums: \$6,924,553 from the general funds of the state and \$1,598,822 from the highway fund. There is hereby appropriated for the fiscal year ending June 30, 1985, for the purposes of this act the following sums: \$11,862,961 from the general funds of the state and \$2,722,291 from the highway fund. The governor is authorized to draw his warrants for sums hereby appropriated.

67 Fines from Hawkers and Peddlers. Amend RSA 320:2 (supp) as amended by striking out said section and inserting in place thereof the following:

320:2 Prohibition; Contracts Void; Penalty. No hawker or peddler shall sell or barter or carry for sale or barter, or expose therefor, any goods, wares or merchandise, unless he holds a license so to do as herein provided. Any person violating this section shall, notwithstanding the provisions of Title LXII, be guilty of a violation and fined not more than \$500. The clerk of the district or municipal court shall dispose of fines so collected by the court as provided in RSA 502:14 or RSA 502-A:8. Any contract relating to household repairs and improvements or for siding for any building or residence solicited by any person who has not obtained the licenses as herein provided for, shall be void and unenforceable, and any sale or barter of any goods, wares or merchandise by any such person shall be voidable. Provided further that any time before midnight, at the expiration of 3 business days following the signing of any solicited home repair, home improvement installment contract or cash sale of \$25 or more by the parties solicited or the owner, the parties solicited or the owner may serve a notice of cancellation upon the licensee or principal vendor.

68 Court Personnel and Compensation Systems. Amend RSA 490:26-b (supp) as inserted by 1981, 562:1 by striking out said section and inserting in place thereof the following:

490:26-b Court Personnel and Compensation System. The supreme court shall establish a uniform personnel classification and compensation system and salary and grievance procedures for all nonjudicial court personnel. The compensation system shall be approved by the legislature prior to becoming effective. The salary and grievance procedures shall be established by administrative order of the supreme court.

69 Clerk Not Required to be County Resident. Amend RSA 499:1 by striking out said section and inserting in place thereof the following:

499:1 Appointment. The justices of the superior court shall appoint a clerk for

each county and may remove him at pleasure in accordance with personnel rules established by the supreme court.

70 District Court Justices Not Required to be County Residents. Amend RSA 502-A:3 as inserted by 1963, 331:1 by striking out said section and inserting in place thereof the following:

502-A:3 District Court Justices; How Appointed; Tenure. Each district shall consist of a justice and a special justice appointed and commissioned by the governor and council, as prescribed by the constitution. Each such justice shall be a learned, able and discreet person specially qualified by training and experience for the performance of his duties. Justices and special justices shall be chosen from qualified persons who are also members of the bar of New Hampshire. The tenure of office of the persons serving as justices and special justices of the municipal courts constituted and established as district courts by 1963, 331 shall not be affected hereby, but such justices and special justices shall continue in office as justices or special justices of their respective districts.

71 Change Reference to Clerk of the Superior Court. Amend RSA 510:10 by striking out in lines 2 and 3 the words "clerk of the superior court" and inserting in place thereof the following (treasurer) so that said section as amended shall read as follows:

510:10 Defendant County, etc. Service of writs against counties may be made upon one of the county commissioners and the treasurer for the county; against cities, upon the mayor or one of the aldermen and the city clerk; against towns, upon one of the selectmen and the town clerk; against school districts, upon one of the school board and the clerk of the district; and against village districts, upon one of the commissioners and the clerk of the district.

72 Repeal. The following are hereby repealed:

I. RSA 490-A:1, relative to a unified court system.

II. RSA 499:17, relative to bonds for deputy clerks of the superior court.

73 Repeal. The following are hereby repealed:

I. RSA 499:2, relative to bonds by clerks of superior court.

II. RSA 499:17, relative to bonds for deputy clerks of the superior court.

III. RSA 502-A:6, IV, relative to the salary of the deputy clerk of the Nashua district court.

IV. RSA 502-A:9, relative to payments.

V. RSA 502-A:10, relative to bonds for clerks of district courts.

VI. RSA 548:14-b, relative to a deputy register of probate in Merrimack county.

VII. RSA 548:15, relative to deputy registers of probate in certain counties.

VIII. RSA 548:18, relative to the payment of registers' salaries.

IX. RSA 548:19, relative to the salaries of deputy registers of probate.



X. RSA 548:20, relative to the hiring of clerks by registers of probate.

XI. RSA 548:21, relative to the time of payment for the clerks of registers of probate.

XII. RSA 548:22, relative to the fees of registers of probate.

XIII. RSA 548:27, relative to the neglect to give bond for a register of probate.

74 Repeal. The following are hereby repealed:

I. RSA 28:22, relative to furnishing a duplicate of any court order direct on the county treasurer.

II. RSA 29:4, relative to the payment of fees and expenses of the superior court by the counties.

III. RSA 499:5, relative to accounts of the superior court clerk.

IV. RSA 499:6, relative to requiring the clerk of superior court to render an itemized account.

V. RSA 499:7, relative to payments by the county to the clerk of superior court.

VI. RSA 499:8, relative to a penalty for default.

VII. RSA 502-A:9-a, relative to district court audits.

75 Effective Date.

I. Section 72 of this act shall take effect upon its passage.

II. Sections 20, 37, 66 and 68 of this act shall take effect July 1, 1983.

III. Sections 9, 10, 11, 27, 28, 39, 43, 45, 59, 61, 62, 71 and 74 of this act shall take effect July 1, 1984.

IV. The remainder of this act shall take effect January 1, 1984.

Amendment adopted.

Rep. Thomas Gage spoke against the Committee report.

Rep. Hollingworth spoke against the Committee report and yielded to questions.

Rep. Krasker spoke in favor of the Committee report.

Rep. Sytek spoke in favor of the Committee report and yielded to questions.

Rep. Donovan requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 272 NAYS 67

YEAS 272

BELKNAP: Bastraw, Birch, Bolduc, Bowler, Dexter, Gary Dionne, French, Golden, Hardy, Robert Hawkins, Holbrook, Lamprey, Pearson, Randall, Sanders, David Whittemore and Zeckhausen.

CARROLL: Dickinson, Heath, Robert Holmes, Kenneth MacDonald, McIntire and Murphy.

CHESHIRE: Barber, Boulter, Eugene Clark, Crane, Davis, Daniel Eaton, Gordon, Grodin, Elmer Johnson, Lane, Matson, David Meader, Michaelides, Miller, Morse, Parker, Perkins, Perry, Margaret Ramsay, William Riley, Scranton and William Sullivan.

COOS: Harold Burns, Chappell, Chardon, Coulombe, Guay, Horton, Langley, Oleson and York.

GRAFTON: Blair, Chambers, Christy, Copenhagen, Crory, Driscoll, Duggan, Girouard, Harnish, Hutchings, Michael King, LaMott, Logan, Mann, McAvoy, Rounds, Stewart, Taffe, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Debora Ahern, Richard Ahern, Ahrens, Arnold, Arris, Baker, Bass, Bolan, Boutwell, John Burns, Charbonneau, Cote, Craig, Crotty, Duffett, Duprey, Joseph Eaton, Fields, Ford, Galway, Grip, Harrington, George Hawkins, Head, Daniel Healy, Hendrick, Humphrey, Jean, Kaklamanos, Katsiaticas, Keefe, Robert Kelley, Evelyn King, Knight, Labombarde, John Lawrence, David Lemire, Lynde, Lyons, Martineau, Howard Mason, McGlynn, Nigineault, Nelson, Nickerson, Paradis, Pressly, Quinn, Raiche, Peter Ramsey, Resch, Robie, Ellen-Ann Robinson, Roy, Russell, Silva, B.P. Smith, Leonard Smith, Soucy, Spirow, Mary Sullivan, Sylvia, Talbot, Tamposi, Turgeon, Van Loan, Wagner, John Wallace, Roger Wallace, Ware, Geraldine Watson, Harold Watson, Wells, Emma Wheeler, Kenneth Wheeler, Robert Wheeler, Eleanor Whittemore, M. Arnold Wight, Winn and Lucille Wood.

MERRIMACK: Allgeyer, Bardsley, Bibbo, Laurent Boucher, Bowes, Chynoweth, Samuel Clark, Daniell, Dean, Degnan, Gross, Mary Holmes, Kidder, Kinhan, Lewis, McDonnell, Mercier, Nichols, Pannell, Parrish, Phelps, Doris Riley, Walter Robinson, Rogers, Shepard, Gerald R. Smith, Stark, Stio, Lawrence Sullivan and Underwood.

ROCKINGHAM: Ames, Bangs, Belanger, Beliveau, Benton, Blanchard, Blanchette, William Boucher, Burdick, Butler, Campbell, Cotton, Danderson, Day, Harry Flanders, John Flanders, Greene, Gregorio, John Hynes, Kane, Katsakiores, Glenden Kelley, Krasker, Leslie, LoFranco, Longworth, Lovejoy, Mace, Robert Mason, McLane, William Moore, Nevins, Newell, Palumbo, Pantelakos, Popov, Quimby, Romoli, Scamman, Schmidchen, Schwaner, Sherburne, Skinner, Sloan, Sochalski, Splaine, Sytek, Tavitian, Vartanian, Vecchione, Webster, Raymond Wood and Woodward.

STRAFFORD: Appleby, Banks, Belhumeur, Bernard, Chamberlin, Chisholm, Couture, Demers, Dingle, Donnelly, Flynn, Hennessey, Hussey, Robert Jones, Joos, Musler, Pelley, Francis Robinson, Sackett, Schreiber, Gerald L. Smith, Timm, Franklin Torr and Whiting.

SULLIVAN: Converse, Flint, Gray, Ingram, Paul Johnson, Palmer, Roney and Townsend.

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BELKNAP: Matthew Locke.

CARROLL: Ashnault, Powers and Saunders.

CHESHIRE: None.

COOS: George Lemire, Theriault and Valliere.

GRAFTON: Easton.

HILLSBOROUGH: Abrams, Bergeron, Burkush, Cronin, William Dion, Donovan, Durant, Gagnon, Grasso, Kashulines, Leclerc, Levesque, Morrisette, Nute, O'Rourke, Parmenter, Reidy, Stylianos, James Sullivan, Vachon and Zajdel.

MERRIMACK: Arthur Locke, Louise Roberts, William Roberts, Savaria and James Whittemore.

ROCKINGHAM: Blaisdell, Carpenito, Case, Cressy, Drake, Ellyson, Beverly Gage, Thomas Gage, Hollingworth, Joslyn, Keenan, Roger King, Kozacka, Malcolm, Nagel, Newman, Pevear, Rosencrantz, Simon, Stork, Tufts, Walker and Warburton.

STRAFFORD: Blouin, Bouchard, Chagnon, Creteau, Albert Dionne, Kincaid, Lussier and Ralph Torr.

SULLIVAN: Brodeur and Carlson, and the Committee report was adopted.

Referred to Appropriations.

HB 765-FN, relative to collective bargaining for agricultural workers. Inexpedient to Legislate.

The Committee felt there was no need for this legislation. Neither the sponsor nor the only other person who spoke in favor of this bill knew of any problems in this area. Vote 13-2. Rep. John W. Flanders for Labor, Human Resources and Rehabilitation.

Resolution adopted.

HB 400, making appropriations for capital improvements. Ought to Pass with Amendment.

HB 400 recommends an expenditure deemed to reflect the best interest of the state and broken down as follows:  
Human Interests - \$200,000 for handicap improvements - university system.

Education - construction of an addition to Concord Voc-Tech and repairs to other facilities with a total cost of \$6,590,600.

Public Works and Highways - A microwave communication system with a cost of \$350,000. An automated fleet fuel system costing \$1,250,000 and an anticipated pay-back period of less than 3 years. The balance of this appropriation is earmarked for repairs primarily. Vote 16-0. Rep. Ted A. Pelletier for Public Works.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Appropriation. The sums hereinafter detailed are hereby appropriated for the project specified to the departments, agencies and branches named:

## I. Adjutant General

A. Boiler and burner replacement -  
statewide \$205,000

Total paragraph A

\$205,000

## B. Priority Maintenance projects

(1) Concord military reservation - Repair slate roof, old warehouse; repair roof, warehouse #1; repair roof, administration building; repair roof, USP and FO building; install storm sash, armory; repave aviation support paving; replace aluminum overhead doors with wood type Less federal	85,000 <u>45,000</u> 40,000*
(2) Berlin armory - Energy renovations	25,000*
(3) Hillsboro armory - Energy renovations, repair security and emergency lighting	15,500*
(4) Manchester armory - Replace exit doors, east wall, replace overhead door, drill hall, repair overhead door, basement	19,500*
(5) Rochester armory - Connect sanitary drain to city system, resaturant on roof, repair; energy renovations	36,000*
(6) Dover armory - Connect sanitary drain to city system, resaturant on roof, regrade for drainage, energy renovations	60,500*
(7) Plymouth armory - Connect sanitary drain to city system, separate roof drainage from sanitary, resaturant on roof, flashing repairs, energy renovations, repair and flash carport beam seats, repair paving	58,450*
(8) Portsmouth armory - Connect sanitary drain to city system, resaturant on roof, flashing repairs, energy renovations, paving, grading and sitework	64,500*
(9) Lancaster armory - Resaturant on roof, flashing repairs, energy renovations, new paving, repair drainage system	78,400*
(10) Claremont armory - Resaturant on roof, roof repairs, regrade site for drainage, energy renovations	51,750*
(11) Woodsville armory - Resaturant on roof, roof repairs, O.M.S. building, reroof, energy renovations, repoint chimney, walls and lintels, sealant work	47,250*

(12) Lebanon armory -		
Resaturant on roof, roof repairs,		
regrade site for drainage		
energy renovations		
repoint brickwork, repair foundation		
O.M.S. building, replace repoint		
brickwork, window sills, chimney	81,000*	
(13) Keene armory -		
Resaturant on roof, repair flashing,		
replace oil burner, repair oil line,		
energy renovations	32,500*	
(14) Littleton armory -		
Resaturant on roof,		
O.M.S. old building, repair roof,		
energy renovations	32,500*	
(15) Franklin armory -		
Resaturant on roof, roof repairs,		
rebuild chimney,		
energy renovations	38,250*	
(16) Nashua armory -		
Resaturant on roof, roof repairs,		
energy renovations,		
repair overhead doors,		
repair paving	46,000*	
(17) Milford armory -		
Resaturant on roof,		
O.M.S. building, repair roof,		
energy renovations	31,000*	
(18) Somersworth armory -		
Resaturant on roof, repair flashing,		
motor vehicle building, reshingle roof,		
energy renovations,		
O.M.S. building, repair overhead door	28,000*	
(19) Peterboro armory -		
Repair roof,		
energy renovations	<u>17,000*</u>	
Total paragraph B		<u>803,100</u>
Total paragraph I		1,008,100
II. Administration and Control		
A. Roof renovations - state library	119,000	
B. Elevator repairs - state house and annex	115,000	
C. Health and welfare - roof repairs	400,000	
D. Supreme court - roof repairs	39,000	
E. Priority maintenance projects		
(1) Legislative office building parking		
lot - rubber deck maintenance	55,000*	
(2) Legislative parking garage - seal		
parking decks, sandblast and paint		
structural steel	235,000*	
(3) Health and welfare building - replace		
exterior brick pavers	27,000*	
(4) Health and welfare building - repair		
and replace expansion joints and sealant		
work	36,000*	
(5) Health and welfare building - repair		
toilet room floors	<u>17,000*</u>	
Total paragraph E	<u>370,000</u>	
Total paragraph II		1,043,000
III. Education		
A. New Hampshire technical institute,		
Concord -		
(1) Multi-purpose classroom building	5,542,500	

(2) Architecture and engineering - preparation of construction documents - Earl H. Little building	<u>65,000</u>	
Total paragraph A	5,407,500	
B. Berlin vocational-technical college		
(1) Machine tool process instructional equipment	26,000*	
(2) Reference books	<u>20,000*</u>	
Total paragraph B	46,000	
C. Laconia vocational-technical college		
(1) Graphic arts equipment	48,500*	
(2) Word processing equipment	<u>20,000*</u>	
Total paragraph C	68,500	
D. Manchester vocational-technical college		
(1) Machine tool equipment	57,000*	
(2) Electricity laboratory equipment	444,600*	
(3) Forklift	<u>23,000*</u>	
Total paragraph D	524,600	
E. Nashua vocational-technical college		
(1) Instructional computer package	150,000*	
(2) Automotive equipment	<u>31,000*</u>	
Total paragraph E	181,000	
F. Portsmouth vocational-technical college		
(1) Automotive instructional equipment	22,000*	
(2) Machine tool processes instructional equipment	<u>32,000*</u>	
Total paragraph F	54,000	
G. Priority maintenance projects		
(1) Claremont vocational-technical, correct site drainage and building repairs	65,000*	
(2) Manchester vocational-technical, burner replacement and refractory repairs	<u>44,000*</u>	
Total paragraph G	<u>109,000</u>	
Total paragraph III		6,590,600
IV. Health and Welfare		
A. Mental Health - Glencliff		
(1) Generator replacement	104,000	
(2) Replace main steam and return lines	125,000	
(3) Install energy efficient windows in 4 buildings	85,000	
(4) Nurses call bell system-Brown building	<u>30,000*</u>	
Total paragraph A	344,000	
B. New Hampshire hospital - design and land acquisition for 100 bed psychiatric facility	<u>750,000</u>	
Total paragraph IV		\$1,094,000
V. Port Authority - plans and specifications for new dock and containment area	<u>\$ 600,000</u>	
Total paragraph V		\$ 600,000
VI. Resources and Economic Development		
A. Ski lift repairs	\$ 900,000*	

B. Sewage improvements	\$ 100,000*
C. Building repairs and handicapped renovations	\$ 350,000*
D. Repairs to seacoast parking areas (guard rail for seacoast parking area, constructed of wood posts and Corten.)	\$ <u>180,000*</u>
Total paragraph VI	\$1,530,000
VII. Soldiers' Home	
A. Welch building - roof repairs, insulation and renovations	\$ 210,000
B. Smoke detectors	\$ <u>25,000*</u>
Total paragraph VII	\$ 235,000
VIII. Water Resources Board - Sugar River watershed site C-9	\$ 638,300
less federal	3,650
less local	<u>225,675</u>
Total paragraph VIII	\$ 408,975
IX. Water Supply and Pollution Control Commission - Regional waste treatment facilities - Winnepesaukee river basin	\$6,660,000
less federal	4,995,000
less local	<u>333,000</u>
Total paragraph IX	\$1,332,000
X. Youth Development Center - Priority maintenance projects	
A. Spaulding - Provide 2 exit stairtowers, install new heating controls, toilet room renovations	\$ 131,250*
B. Riverview - Replace heating system, safety and electrical renovations, upstairs toilet renovations, interior renovations	\$ 120,000*
C. Pinecrest - Interior renovations, enclose main stairway, rewire building	\$ 142,500*
D. East - Renovate toilet area, repair heating system, install new roof, new electric gang locks	\$ 46,250*
E. King - Add building insulation	\$ 18,750*
F. Recreation building - Replace electrical distribution panel and feeders	\$ 6,250*
G. Administration building - Rewire building	\$ 156,250*
H. Boiler house - Rewire building, repair breeching, masonry and foundation repairs including waterproofing	\$ 106,250*
I. Sanders - Repair steamlines	\$ 22,500*
J. Wilkins - Plywood for windows	\$ <u>4,000*</u>
Total paragraph X	\$ <u>754,000</u>
Total state appropriation section one	\$14,595,675

2 Appropriation, University of New Hampshire. The sums hereinafter detailed are hereby appropriated for the projects specified:



I. University system handicapped access program	\$ 200,000
Total paragraph I	\$ 200,000
Total state appropriation section 2	\$ 200,000

3 Appropriation, Department of Safety and Public Works and Highways. The sums hereinafter detailed are hereby appropriated for the projects specified:

I. Department of Safety	
Motor vehicles and state police divisions	
A. Seacoast motor vehicle facility to be built on state owned property	\$ 321,000
B. Priority maintenance projects	
(1) Safety building - roof repairs	\$ 9,000*
(2) Safety building - air condition data preparation room	\$ 11,000*
Total paragraph I	\$ 341,000
II. Public Works and Highways	
A. Exterior building repairs	
J. O. Morton building	\$ 83,000*
B. Energy conservation - drapes	\$ 70,000*
C. Microwave system	\$ 350,000
D. Automated state fuel purchase and fleet records management system	\$1,250,000*
Total paragraph II	\$1,753,000
Total state appropriation section 3	\$2,094,000

4 Appropriation, Fish and Game Department. The sums hereinafter detailed are hereby appropriated for the projects specified:

I. Priority maintenance projects	
A. Concord main office building	
(1) replace roofing and insulation, high and low roofs	\$ 30,000*
(2) Connect office building into city sewer and increase water pressure to 3 buildings	\$ 30,500*
(3) Replace metal windows with more efficient glazing	\$ 28,500*
(4) Concord building #2, renovate stairway to conform to code	\$ 21,000*
Total paragraph A	\$ 110,000
B. Twin Mountain fish hatchery	
(1) Repair and renovate public restrooms and septic system at the garage and meat building	\$ 16,000*
(2) Construct a new wooden storage building	\$ 14,000*
Total paragraph B	\$ 30,000
C. Berlin fish hatchery	
(1) Add annex to main hatchery building and relocate degasser	\$ 25,300*
(2) Replace snow flashing and make roof repairs to the main hatchery building, pipe garage and residence	\$ 20,000*
(3) Pave public areas	\$ 16,700*
Total paragraph C	\$ 62,000
Total paragraph I	\$ 202,000
Total state appropriation section 4	\$ 202,000
*To be 5 Year Bonds	

5 Expenditures; General. The appropriation made for the purposes mentioned in sections 1 and 3 and the sums available for those projects shall be expended by the trustees, commissions, commissioner, or department head of the institutions and departments referred to herein, provided that all contracts and projects and plans and specifications therefor shall be awarded in accordance with the provisions of RSA 228.

6 Expenditures; University of New Hampshire.

I. The appropriations made for the purposes mentioned in section 2 and the sums available for these projects shall be expended by the trustees of the university of New Hampshire. All contracts for the construction of all or any part of said building or facilities shall be let only after competitive sealed bids have been received and only after an advertisement calling for such bids has been published at least once in each of 2 successive calendar weeks in a newspaper of general circulation in New Hampshire or in a trade journal known to be circulated among the contractors from whom bids will be sought with the state of New Hampshire or elsewhere in the area. The first publication of such advertisement shall be not less than 30 days prior to the date the bids will be received. All conditions considered, wherever possible, it is recommended that the services of New Hampshire architectural and construction firms be considered within the discretion of the trustees.

II. The appropriations made in section 2 are available for all costs incidental to the completion of the projects enumerated including the costs of the services of architects, engineers, and other consultants of such kind and capacity as the university board of trustees may, in its discretion, wish to employ on such terms and conditions as the board determines. These moneys shall be spent under the direction of the university board of trustees.

III. If, in the judgment of the trustees of the university, just cause exists indicating the lowest bid should be rejected, then the contract may be awarded to the next lowest bidder, or if the next lowest bid should be rejected, the contract may be awarded to the third lowest bidder.

IV. The board of trustees of the university has the right to reject any and all bids and, if the lowest bid is in excess of the appropriation, the board has the right to negotiate with the low bidder or with the 3 lowest bidders for a contract for the construction upon terms considered most advantageous to the university. If only one bid is received, the board of trustees may negotiate a contract for the construction on terms considered most advantageous to the university and to the state. Any authorization contained in this act which is at variance with the requirements of applicable federal law and regulations shall be controlled by the terms of the federal law and regulations.

7 Land Acquisition. Any land acquired under the appropriations made in sections 1, 3, and 4, except such land, if any, as may

be acquired under the appropriation for the water resources board, shall be purchased by the commissioner of public works and highways with the approval of governor and council.

8 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$17,091,675 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A; provided, however, that the bonds issued for the purpose of funding all priority maintenance projects have a maturity of 5 years from date of issue.

9 Payments. The payment of principal and interest on bonds and notes issued for the projects in sections 1 and 2 shall be made when due from the general funds of the state; provided, however, that the payment of principal and interest on bonds issued for projects in section 3 shall be made from the highway fund and section 4 from the fish and game fund.

10 Liquidation. The state treasurer is authorized to deduct from the fund accruing to the university under RSA 187-A:7, or appropriation in lieu thereof, for each fiscal year such sums as may be necessary to meet interest and principal payments in accordance with the terms and conditions of the bonds or notes issued for the purposes of section 2.

11 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government or any agency thereof, as they may deem advisable, to secure federal funds for the purposes hereof.

II. To accept any federal funds which are, or become available for any project under sections 1, 3 and 4 beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are accepted shall be reduced by the amount of such additional funds, and the amount of bonding authorized by section 8 shall be reduced by the same amount.

12 Transfers. The individual project appropriations, as provided in sections 1, 3 and 4 shall not be transferred or expended for any other purposes, provided that any anticipated balance remaining in an individual project, which is fully funded by state funds, may be transferred by governor and council to any other individual project or projects, which are also fully funded by state funds, within the same section provided prior approval of the capital budget overview committee is obtained.

13 Reduction of Appropriations and Bonding Authority. If the net appropriation of state funds for any project provided for by sections 1, 3, and 4 is determined on the basis of an estimate of anticipated federal, local, or other funds, and if the amount of such funds actually received or available is less than said estimate, then the total

authorized cost for such project and the net appropriation of state funds therefor shall be reduced by the same proportion as the proportion by which federal, local, or other funds are reduced. The amount of bonding authorized by section 8 shall be reduced by the amount that the appropriation of state funds is reduced pursuant to this section.

14 New Section. Amend RSA 228 by inserting after section 24 the following new section:

228:24-a Motor Fuel Inventory Fund. There is hereby established a motor fuel inventory fund not to exceed \$1,000,000 which sum is hereby appropriated and shall be a charge against the highway fund. The commissioner of public works and highways may purchase, through the division of purchase and property, such amounts of motor fuels as may be necessary for the operation of an automated state fleet fuel distribution and records management system. The commissioner is further authorized to sell motor fuel from the motor fuel inventory to all departments and institutions of the state, political subdivisions of the state, and agencies of the federal government. He is authorized to assess a fair and equitable charge with respect to the sale of motor fuel sufficient to defray all administrative, transportation, storage, amortization and other costs incurred by the department in administering this account sufficient to fully reimburse the inventory fund.

15 Federal Funds: Skyhaven. Amend 1979, 435:1, III E by striking out said paragraph and inserting in place thereof the following:

E. Rochester

(1) Phase one improvements to include widen existing runway, widen existing taxiway, land acquisition, and additional Av-gas facilities	586,670
Less federal	528,003
Net appropriation paragraph (1)	58,667
Net appropriation paragraph E	58,667

16 Federal Funds: Skyhaven. Amend 1981, 565:1, II, A-E by striking out said paragraphs and inserting in place thereof the following:

A. Rochester

Phase one improvements to include land acquisition, 900' runway extension, Taxiway extension, Electronic and visual Navigation aids	1,316,070
Less Federal	1,184,463
Net appropriation paragraph A	131,607

17 Federal Funds: Manchester Airport. Amend 1978, 49:1, III, C (1) and (2) as amended by 1981, 565:14, IV and V(d) by striking out said paragraph and inserting in place thereof the following:

(1) Rehabilitate runway 6-24	600,000
Less federal	540,000
Net appropriation paragraph (1)	60,000

18 Federal Funds: Keene, Dillant-Hopkins Airport. Amend 1978, 49:1, III, A(1) as amended by 1981, 565:14, III and V(c) by striking out said paragraph and inserting in place thereof the following:

(1) Reconstruct and construct taxiways	570,000
Less federal	513,000
Net appropriation paragraph (1)	57,000

19 Lapse Dates. The appropriations made by 1981, 565:1, II: 1978, 49:1, III C; and 1978, 49:1, III A (1), all as amended, are hereby extended until June 30, 1986.

20 Repeal Old Lapse Dates. The following are hereby repealed:

I. 1981, 565:13, II.

II. 1981, 565:14, V(c) and (d).

III. 1982, 38:33, I.

21 Effective Date. This act shall take effect July 1, 1983.

Amendment adopted.

Referred to Appropriations.

HB 440, relative to extending interstate 393 to route 106 and completing the upgrading of route 106. Inexpedient to Legislate.

This project is on Public Works and Highways plan with federal funds appropriated. Vote 19-0. Rep. Darrell A. Wagner for Public Works.

Resolution adopted.

HB 312-FN, requiring the public utilities commission to have an independent risk analysis study and a separate economic impact study conducted for the Seabrook nuclear power plant. Majority: Inexpedient to Legislate. Minority: Ought to Pass with Amendment.

MAJORITY: The Committee heard clear evidence that the request for "worse consequence" analysis is being covered by the probabilistic risk assessment currently in process by the independent contractor Pickard, Lowe and Garrick. Consequently, the intent of the sponsors is met and therefore unnecessary. Vote 6-5. Rep. John E. Burns for the Majority of Science and Technology.

MINORITY: Half of the voting members of the Committee on Science and Technology having voted in opposition to Inexpedient, believe this legislation, as amended, would be in the best interest of the people of New Hampshire. This legislation would require the Public Utilities Commission to include a worse case scenario of an accident at Seabrook, at no appreciable cost or delay to rate payers. Its results should help to alleviate doubts about the safety of Seabrook I and II by having the public on the oversight committee. (Reps. Beverly Hollingworth, Paul Keenan, David Meader, Roger Easton, Leonard Smith for the Minority of Science and Technology.)

Rep. Palumbo moved that the words, Ought to Pass, be substituted for the report of the Majority, Inexpedient to Legislate, and spoke to his motion.

Rep. M. Arnold Wight spoke in favor of the motion and yielded to questions.  
Motion adopted.

Rep. Palumbo offered an amendment.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

requiring a consequence analysis study for the Seabrook nuclear power plant.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Consequence Analysis Study Required. The general court requires a "worst case" consequence analysis study to be prepared as a part of the risk analysis study being conducted by the Public Service Company of New Hampshire based on the nuclear plant designed and constructed specifically for the Seabrook site. As used in this act, "worst case" consequences are those which result from a core melt accident in which all installed safety equipment fails and the reactor containment structure is breached directly to the atmosphere.

2 Oversight Committee. There shall be an oversight committee to monitor the work of the Public Service Company's consultants doing the risk and consequence analysis study to assure that the study is completed in a thorough and timely manner and to provide assistance to the Public Service Company. The 10 member committee shall be appointed as follows: one member representing the general interests of the public appointed by the governor; one member of the public utilities commission designated by the chairman; one member from the New Hampshire civil defense agency designated by the head of that agency; the director of the division of public health services; 2 state representatives appointed by the speaker of the house; one state senator appointed by the senate president; 2 persons who shall reside in the 17 community emergency planning zone designated in the Evacuation Plan appointed by the governor and council; and one representative of Public Service Company of New Hampshire. Members shall serve without compensation and shall receive no mileage expenses. The committee shall disband after the study is completed.

3 Effective Date. This act shall take effect upon its passage.

Hearing no objection, the Chair advised the Clerk to dispense with the reading of the amendment.

Rep. Palumbo explained his amendment.

Reps. Hollingsworth and Rounds spoke in favor of the amendment.

Amendment adopted.

Ordered to third reading.

HB 560-FN, relative to the restructuring of the state mental health system, and making an appropriation therefor.

Majority: Ought to Pass with Amendment.

Minority: Inexpedient to Legislate.

MAJORITY: This bill provides a vehicle for the restructuring of the state mental health service system. The Committee felt that this was the first step toward implementing recommendations of prior comprehensive mental health studies conducted within the state. The Committee recommended that future legislation relating to policy and planning be referred to the appropriate House committee and that ample opportunity be given for public hearings on proposed plans. Vote 17-2. Rep. Audrey Carragher for the Majority of State Institutions.

MINORITY: The minority feels that the intent of this bill circumvents the purpose of the Committee to set policy and create changes to the Division of Mental Health as suggested by the Nardi and Wheelock reports. While not disagreeing with the need for real action at last, relative to the New Hampshire Hospital and Laconia State School, the minority believes that the plan of action should be developed by the standing committee rather than another special committee. (Reps. Dana J. Robie, Gary S. Dionne for the Minority of State Institutions.)

#### Amendment

Amend paragraph I of section 2 of the bill by striking out same and inserting in place thereof the following:

I. There is hereby established a committee consisting of the governor, the speaker of the house, the president of the senate, the minority leader of the house and the minority leader of the senate, or their designees. Subject to the requirements of paragraph II, the committee shall:

(a) Strengthen community support mental health programs and general hospital based mental health programs.

(b) Provide for the establishment of a new specialized central facility to provide the following services:

(1) Diagnosis and evaluation for the developmentally impaired;  
(2) Diagnosis and evaluation for the mentally ill;  
(3) Long-term hospitalization when indicated; and

(4) Secure treatment for mentally ill persons who pose a substantial threat of harm to self or others in a less restrictive setting.

Amend subparagraph I(b)(4) of section 2 of the bill by striking out same and inserting in place thereof the following:

(4) Secure treatment for mentally ill persons who, in a less restrictive setting, would pose a substantial threat of harm to self or others.

Amend the bill by striking out section 5 and inserting in place thereof the following:

5 Staff Plans. The division of mental health and developmental services shall develop a plan to provide for staff at New Hampshire hospital and Laconia state school and training center whose positions shall be deleted as a result of the reduction in patient and resident populations. Said plan shall be developed in accordance with applicable federal and state statutes after consultation with the State Employees Association and the personnel department and shall consider, among other options, redeployment within the state system, redeployment to other components of the private mental health and developmental services system, retraining, and early retirement. The division shall present this plan to the committee established in section 2 of this act within 30 days after request by the committee, provided that such plan shall in no event be presented to the committee later than January 1, 1984.

Amendment adopted.

Referred to Appropriations.

HB 446-FN, relative to licensing and registration of certain vehicles.

Inexpedient to Legislate.

Changing the category of agricultural vehicles to limited purpose vehicles would allow more vehicles on the roads which do not have to meet the more stringent motor vehicle inspection standards. The Fiscal Note does not take into account a potential loss of revenue due to reregistration of vehicles to the lesser cost limited purpose vehicles. Vote 11-3. Rep. Robert A. Danderson for Transportation.

Resolution adopted.

HB 568, establishing an advisory committee on long-term care. Ought to Pass with Amendment.

This bill will establish an ongoing Committee on Long-Term Care that will continue legislative planning and coordination of this critical field after the Governor's temporary committee terminates on June 30, 1983. Vote 14-1. Rep. Samuel D. Clark for Health and Welfare.

Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:  
2 Committee Established.

I. There is hereby established an advisory committee on long-term care consisting of 21 members as follows:

(a) Three members of the house of representatives, none of whom shall have a direct or indirect interest in any facility providing long term care, appointed by the speaker of the house;

(b) Three members of the senate, none of whom shall have a direct or indirect interest in any facility providing long term care, appointed by the president of the senate;

(c) Two persons who represent home health agencies, appointed by the governor;

(d) Two persons who represent nursing homes, at least one of whom shall represent a county owned nursing home, appointed by the governor;

(e) Two persons who represent community based social services for the elderly, appointed by the governor;

(f) One physician who specializes in care for the elderly, appointed by the governor;

(g) One person who represents a hospital, appointed by the governor;

(h) One person who represents the American Association for Retired Persons, appointed by the governor;

(i) One person who represents the New Hampshire Association for the Elderly;

(j) The director of the division of welfare or his designee;

(k) The director of the division of mental health and developmental services or his designee;

(l) The executive director of the state council on aging;

(m) The ombudsman under RSA 167-A:21 to 29; and

(n) The director of the division of public health services or his designee.

II. The members of the committee shall elect a chairman from among themselves.

III. The members of the committee shall receive no compensation for their services.

IV. The members of the committee shall meet as often as necessary but not less than once a month.

Amendment adopted.

Rep. Butler offered an amendment.

Amendment

Amend subparagraph I(c) of section 2 of the bill by striking out same and inserting in place thereof the following:

(c) Two persons who represent home health agencies, one of whom shall be a registered nurse, appointed by the governor;

Rep. Butler explained her amendment.

Reps. Head and Townsend spoke in favor of the amendment.

Amendment adopted.

Ordered to third reading.

HB 444-FN, changing the form of the elderly exemption to a standard deduction from the tax bill and repealing all other elderly exemptions. Ought to Pass.

This bill gives a flat rate exemption for elderly property owners while they own their home and gives towns and cities a chance to regain money lost through these exemptions by a tax lien to be collected when property is no longer owned by an elderly person. Vote 15-0. Rep. Frank E. McIntire for Municipal and County Government.



Rep. Mann yielded to questions.  
Rep. Lynde offered an amendment.

#### Amendment

Amend RSA 72:39, I as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

I. An elderly exemption in the form of a standard deduction from the annual tax bill shall be granted as follows:

- (a) For a person from 65 years of age up to 75 years, \$300;
- (b) For a person from 75 years of age up to 80 years, \$600; and
- (c) For a person 80 years of age or older, \$1000.

Amend the bill by striking out section 10 and inserting in place thereof the following:

10 Repeals. The following are hereby repealed:

I. RSA 72:43-a, 43-b, and 43-c relative to the expanded elderly exemption.

II. RSA 72:43-e, 43-f, and 43-g relative to the adjusted elderly exemption.

Amend the bill by striking out section 1 and renumbering sections 2-11 to read as 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 respectively.

The Acting Assistant Clerk read the amendment.

Rep. Lynde explained his amendment and yielded to questions.

Reps. Mann, Nixon and Newman spoke against the amendment and yielded to questions.

Rep. Phelps spoke in favor of the amendment.

Rep. Lussier moved that HB 444 be referred for Interim Study, and spoke to his motion.

Reps. Mann, Rounds and Demers spoke in favor of the motion.

Adopted.

Referred for Interim Study.

HB 636-FN, relative to internal investigation files on law enforcement officers. Ought to Pass.

Internal investigations by law enforcement agencies, of officers in their jurisdiction, shall be of a confidential nature. Records of such investigations cannot be presented in court actions, unless, after review of the documents, the court determines that the availability of the documents outweighs their confidentiality by the law enforcement agency. Vote 9-0. Rep. Glenden J. Kelley for Public Protection and Veterans Affairs.

Ordered to third reading.

HB 637-FN, making written policy directives to police officers inadmissible in certain civil actions. Ought to Pass. Written policy directives, from a law enforcement agency, to police officers of the agency, as to standard operating

procedures and discharge of duties by the officers, are not admissible in civil actions against the officers, as these are internal documents. However, the directives may be used by the agency in disciplinary proceedings against the officers. Vote 10-0. Rep. John W. Flanders for Public Protection and Veterans Affairs.

Ordered to third reading.

#### SUSPENSION OF RULES

Reps. Rounds and Spirou moved that the Rules be so far suspended as to permit consideration at the present time of HCR 10, applauding the parties involved in the historic agreement between the Province of Quebec and The New England States, to provide hydro-electric power to the people of New England, without referral to committee, printing, public hearing, committee report and notice in the Calendar.

Adopted by the necessary two-thirds.

#### HOUSE CONCURRENT RESOLUTION NO. 10

applauding the parties involved in the historic agreement between the Province of Quebec and the New England States, to provide hydro-electric power to the people of New England.

WHEREAS, officials of the New England Power Pool (NEPOOL) and Hydro-Quebec have agreed to bring hydro-electric power from the Province of Quebec to New England, and

WHEREAS, the New England Governors, Richard Snelling of Vermont, William O'Neill of Connecticut, J. Joseph Garrihy of Rhode Island, John Sununu of New Hampshire, Michael Dukakis of Massachusetts, Joseph Brennan of Maine, and the Prime Minister of Quebec, Rene Levesque, wholeheartedly endorse this historic agreement, and

WHEREAS, this interconnection agreement provides considerable savings for New England consumers with respect to energy costs and further reduces New England's dependency on oil, and

WHEREAS, the people of New England and their Canadian neighbors share common cultural, economic and environmental advantages and concerns, now therefore be it

RESOLVED, by the House of Representatives, the Senate concurring, that the New Hampshire General Court applauds this historic occasion as a sign of mutual goodwill between the people of New England and the Province of Quebec, and be it further

RESOLVED, that other mutually beneficial agreements between New England and Quebec be encouraged in future years to strengthen relationships between New England and Canada, and be it further

RESOLVED, that a suitable copy of this resolution be prepared for presentation to Premier Rene Levesque.

The Clerk read the resolution.

Adopted.



Rcp. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourn today it be to meet Wednesday, April 20th at 10:00 a.m.

Adopted.

#### LATE SESSION

##### Third reading and final passage

HB 376, defining a commercial kennel.

HB 379, to require sticker prices on trucks.

HB 391, amending certain banking laws.

HB 442-FN, exempting credit union depositors from the interest and dividends tax.

HB 508-FN, to exempt seasonal tourist attractions from certain public utility commission requirements.

HB 514-FN, providing for the unlimited duration of rules adopted by the bank commissioner under RSA 394-A.

HB 573, relative to the exclusion or modification of warranties for consumer goods or services.

HB 574, relative to an underground utility damage prevention system.

HB 595-FN, extending the period of time the public utilities commission may suspend a rate schedule under certain circumstances.

HB 628, increasing certain insurance coverage required for operating an aircraft.

HB 740, relative to the average daily balance method of billing.

SB 39, exempting the Mount Washington Cog Railway from public utility commission jurisdiction over water companies.

HB 296, providing low cost loans for postsecondary education.

HB 358, relative to degree granting authority.

HB 449, relative to teacher tenure.

HB 450-FN, relative to retention and disposition of official records of a school district.

HB 464, authorizing adjustments to the boundary line between the Concord Union school district and the Merrimack Valley school district.

SB 26, relative to the membership of the postsecondary education commission.

HB 331, relative to weights and measures.

HB 369-FN, relative to the exportation of livestock, poultry and the grading, marking and sale of eggs.

HB 395-FN, permitting the naming of contingent beneficiaries for retirement benefits under the state retirement system.

HB 476-FN, relative to the retirement allowance for early retirees.

HB 356, relative to the limitation on the use of certain devices for salt water fishing and cooperation with federal agencies.

HB 385-FN, limiting the services the fish and game department may supply to certain private ponds that do not have public access.

HB 425, authorizing advanced registered nurse practitioners to prescribe medications in certain circumstances.

HB 448-FN, relative to the health facilities licensing laws.

HB 459, requiring identification names and numbers on dentures and removable dental prostheses.

HB 462, relative to the rights of blind or hearing impaired persons accompanied by a dog guide or hearing ear dog.

HB 499-FN, increasing the period of discontinuation of or disqualification for food stamp assistance.

HB 510, relative to nursing home cost incentive programs.

HB 516-FN, relative to eligibility and liability for certain public assistance.

HB 568, establishing an advisory committee on long-term care.

HB 605-FN, relative to interference with custody.

HB 607-FN, to provide for recovery of money obtained through welfare fraud or abuse.

HB 608, providing for financial disclosure by applicants for and recipients of public assistance.

HB 714-FN, relative to provision of legal liability information by parents of certain minors.

HB 410, creating a commission to study alternative procedures for the resolution of marital questions.

HB 433-FN, deleting the requirement for district court sessions in Epping.

HB 477, relative to the right-to-know law.

HB 681-FN, relative to the time of payment of certain wages.

HB 343, relative to enforcing water purity laws.

HB 346, relative to permanent applications for tax exemptions.

HB 397-FN, increasing the per diem charge for impounded dogs.

HB 457-FN, relative to distributing evenly the tax exemption for totally disabled veterans.

HB 507-FN, relative to the collection of taxes.

SB 33, relative to the method of filling vacancies on the Portsmouth school board.

HB 466, relative to the laws affecting the state militia and state employees who are members of the armed forces.

HB 622, relative to disorderly conduct.

HB 636-FN, relative to internal investigation files on law enforcement officers.

HB 637-FN, making written policy directives to police officers inadmissible in certain civil actions.

HB 727-FN, relative to fees for criminal record checks and for private detectives and security guard services.

HB 403-FN, relative to construction of a highway by-pass around the town of Conway.

HB 413, reclassifying certain highways in the town of Conway.

HB 436-FN, establishing a highway block grant aid program.

HB 437-FN, establishing a 90 day limit for filing claims for liens against funds held by the state on highway contracts.

HB 438-FN, relative to the use of the annual population estimates of the office of state planning in establishment of the compact sections in cities and towns with a population of 7,500 or more.

HB 367-FN, establishing a legislative dam management review committee.

HB 377, relative to emergency action plans for dams.

HB 392-FN, relative to dams owned by the department of fish and game.

HB 408-FN, relative to hydro funds.

HB 427-FN, establishing civil penalties for violation of laws affecting dams and flowage.

HB 429, authorizing the repair or reconstruction of certain dams.

HB 431-FN, relative to excavating and dredging permits and the wetlands board.

HB 465-FN, relative to proceedings before the water resources board.

HB 625-FN, relative to increasing license fees for the transport of petroleum products into the state.

HB 837-FN, providing for state aid to municipalities constructing storm drains under certain circumstances.

HB 384, to establish a task force to design a cooperative system of placements for children.

HB 469-FN, relative to the attendance of the attorney general or his designee at involuntary commitment proceedings.

HB 370, permitting a person to be the candidate for only one party.

HB 396, permitting voters in towns with a population of 700 or more persons to petition to keep the polls open until 8:00 p.m.

HB 426, amending certain checklist practices.

HB 479, clarifying the meaning of "incompatible offices" in RSA 669:7.

HB 492, relative to the election of representatives to the general court and delegates to state conventions from Nashua.

HB 480, relative to the adoption of a New England truckers compact.

HB 481-FN, enabling the state to enter the regional fuel tax agreement.

HB 534-FN, relative to the penalty for violation of the odometer disclosure law.

HB 627, relative to registering civil aircraft.

HB 265, limiting the grounds for eviction of tenants from certain rental units and eliminating appeals to the superior court in landlord-tenant cases.

HB 218, relative to high school students as nonvoting members of school boards.

HB 451, relative to current use.

HB 412-FN, establishing the position of assistant to the commissioner of the department of resources and economic development.

HB 354, relative to increasing the legal length for taking lobster.

HB 312-FN, requiring a consequence analysis study for the Seabrook nuclear power plant.

HCR 10, applauding the parties involved in the historic agreement between the Province of Quebec and the New England States, to provide hydro-electric power to the people of New England.

Rep. Scamman explained the General Fund Unrestricted Revenue Comparisons for Fiscal Years 1983, 1984, 1985.

Rep. Rounds moved that the House stand in recess for the purpose of Introduction of Bills and Enrolling Reports only.  
Adopted.

The House recessed at 5:10 p.m.

RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn.  
Adopted.

# HOUSE JOURNAL 19

*Wednesday, 20 Apr 83*

The House assembled at 10:00 a.m., and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

O Lord, what a morning! To awake to the sunshine instead of the snow promised us is a pleasant surprise. The psalmist tells us "this is the day the Lord has made, let us rejoice and be glad in it." So be it, Lord, let us be glad in this day. Let us be glad we are alive to see the day, be with friends, deal with problems, be refreshed with food, and relax in your care.

Thank you for this day to spend. May our work and worship be mixed this day with thanks for Your eternal presence and guidance. Amen.

Rep. Kozacka led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. James J. White, Nagel, Trombly, Zimmerman, Sallada, Waldron, Stimmell, Brideau, Paul Meader and Gregorio, the day, illness.

Reps. Gelinas, Flanagan, David King, Parr, D'Amante, Musler, Robie, Daniel Healy, Chynoweth and Hennessey, the day, important business.

## INTRODUCTION OF GUESTS

Mrs. Marion Chisholm, wife of Rep. Chisholm; a group of students from Alton, guests of Rep. Matthew Locke.

Rep. Rounds offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill numbered 844 and House Bill of Intent numbered 2003, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

## INTRODUCTION OF HOUSE BILLS AND HBI First, second reading and referral

HB 844-FN, providing for a host community siting process for low-level radioactive waste disposal and making an appropriation therefor. (Wight of Hillsborough Dist. 9; Eisengrein of Cheshire Dist. 15; Kelly of Dist. 14; Bartlett of Dist. 19 - To Environment and Agriculture)

HBI 2003, relating to the costs of search and rescue missions in the White Mountains. (Ingram of Sullivan Dist. 4 - To Resources, Recreation and Development)

## SENATE MESSAGES CONCURRENCE

HB 69, relative to bulk power siting procedures.

HB 194, requiring dentists to make a record of all dental work performed and maintain such record for 7 years.

HB 192-FN, establishing a study committee on property tax exemption for the elderly, amending the residential real estate tax exemption for the elderly, and making other minor changes in RSA 72.

## NONCONCURRENCE

HB 48, permitting the department of fish and game to expend funds received under Pittman-Robertson Act on endangered species.

Rep. Rounds moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 439, relative to taking of property by eminent domain by a public utility for power lines, was removed at the request of Rep. Cressy.

HB 614, to prohibit blind bidding on motion pictures, was removed at the request of Rep. Christy.

HB 602-FN, relative to driving while intoxicated, was removed at the request of Rep. Matthew Locke.

HB 660-FN, relative to capital punishment, was removed at the request of Rep. Matthew Locke.

HB 762-FN, making reckless conduct and criminal threatening felonies if a deadly weapon is involved, was removed at the request of Rep. Perkins.

HB 819-FN, making changes in the right-to-know law, was removed at the request of Rep. Kaklamanos.

HB 787-FN, relative to water conservation methods in public buildings and publicly financed construction and reconstruction projects, was removed at the request of Rep. Spirou.

HB 603, relative to open primaries, was removed at the request of Rep. Jacobson.

HB 652, requiring candidates to report all advertising and mailing expenses during the candidacy period, was removed at the request of Rep. Jacobson.

HB 791, revising the campaign financing statutes, was removed at the request of Rep. Kaklamanos.

HB 816, relative to the election of representatives to the general court from the city of Keene, was removed at the request of Rep. Sytek.

HB 460, amending the truck weight and size laws to conform to federal requirements, was removed at the request of Rep. Krasker.  
Adopted.

COMMITTEE REPORTS  
(Consent Calendar)

HB 409-FN, directing the New Hampshire industrial development authority to sell the industrial park in Derry and Londonderry. Inexpedient to Legislate.

The Committee felt it should not tell the Industrial Authority what rules it should enact. The Board of Directors has done a good job to date and should continue to make its own decisions. The Committee did not wish to compromise the tax free bonding status of the Authority. Vote 12-0. Rep. Gerald Vecchione for Commerce, Housing and Consumer Affairs.

HB 422, prohibiting discrimination by landlords against persons with children. Ought to Pass with Amendment.

This bill clarifies existing law prohibiting discrimination by landlords against persons with children. In addition, it also clarifies exclusions granted under the law. Vote 12-0. Rep. William J. Sullivan for Commerce, Housing and Consumer Affairs.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

clarifying existing law prohibiting discrimination by landlords against persons with children.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Prohibition. Amend RSA 354-A:8, V (supp) as inserted by 1965, 297:1 as amended by striking out said paragraph and inserting in place thereof the following:

V. For any person, being the owner, lessee, sublessee, assignee, managing agent or other person having the right to rent or lease a dwelling or commercial structure or being in the business of selling or renting dwellings or commercial structures:

(a) To refuse to sell or rent after the receipt of a bona fide offer, or to refuse to negotiate for the sale or rental of, or otherwise make unavailable or deny, a dwelling or commercial structure to any person because of age, sex, race, color, marital status, physical or mental handicap, religion, national origin or the fact that such person has dependent children;

(b) To discriminate against any person in the terms, conditions, or privilege of sale or rental of a dwelling or commercial structure, or in the provision of services or facilities in connection

therewith, because of age, sex, race, color, marital status, physical or mental handicap, religion, national origin or the fact that such person has dependent children;

(c) To make, print or publish, or cause to be made, printed or published any notice, statement or advertisement, with respect to the sale or rental of a dwelling or commercial structure that indicates any preference, limitation, or discrimination based on age, sex, race, color, marital status, physical or mental handicap, religion, national origin, or the fact that a person has dependent children, or an intention to make any such preference, limitation or discrimination;

(d) To represent to any person because of age, sex, race, color, marital status, physical or mental handicap, religion, national origin or the fact that such person has dependent children that any dwelling or commercial structure is not available for inspection, sale, or rental when such dwelling is in fact so available.

2 Number of Occupants; Federal Law.

Amend RSA 354-A:8 by inserting after paragraph V-c the following new paragraphs:

V-d. Nothing in this section shall be construed to prohibit a person, being the owner, lessee, sublessee, assignee, managing agent or other person having the right to rent or lease a dwelling or commercial structure or being in the business of selling or renting dwellings or commercial structures from setting a limit on the total number of occupants for a single rental unit.

V-e. No person shall be liable for violating this section based on action required by state or federal law or rules or regulations adopted thereunder.

3 Effective Date. This act shall take effect upon its passage.

HB 472, providing for a lien on certain property of a tenant. Inexpedient to Legislate.

There is no law currently that requires the landlord to put personal property into storage. This legislation would encourage the using of storage facilities and would be costly to both landlord and tenant. A better solution is for landlord and tenant to get together and work the problem out. Vote 12-0. Rep. Tom Longworth for Commerce, Housing and Consumer Affairs.

HB 739, relative to the cancellation and refusal to renew insurance policies. Ought to Pass.

The Committee felt that the policy changes the industry had suggested were reasonable and would impose no unreasonable burden on policyholders. Vote 12-0. Rep. B. P. Smith for Commerce, Housing and Consumer Affairs.

HB 794, requiring a discount on liability insurance for persons 21 years of age or older who have completed a driver improvement course. Inexpedient to Legislate.

This bill would mandate insurance companies to give a discount to all drivers passing a course in driving.

This would increase costs to those not taking the course. Vote 12-0. Rep. Edward J. Allgeyer for Commerce, Housing and Consumer Affairs.

HBI 2001, relating to compensation for easements and right-of-way. Inexpedient to Legislate.

The Committee feels the constitutionality of the bill of intent is questionable and it was felt that adequate legal process is already in existence. Vote 11-1. Rep. Harold W. Burns for Commerce, Housing and Consumer Affairs.

HB 345, relative to the duty of school boards to provide education. Ought to Pass with Amendment.

This bill changes the obligation of the school board to provide education to all elementary and secondary pupils residing in the district. Formerly, the obligation was to provide an elementary and secondary education to all pupils under 21 years of age. This bill changes the obligation to a duty to provide education until the pupil reaches the age of 21 or receives a high school diploma, whichever is first. The Committee felt this was reasonable because the responsibility for further education ends for most students on their graduation from high school. This change was requested by the Department of Education. Vote 15-0. Rep. Charles J. Quinn for Education.

#### Amendment

Amend RSA 189:1-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

189:1-a Duty to Provide Education. It shall be the duty of the school board to provide, at district expense, elementary and secondary education to all pupils who reside in the district until such time as the pupil has acquired a high school diploma or has reached age 21, whichever occurs first; provided, that the board may exclude specific pupils for gross misconduct or for neglect or refusal to conform to the reasonable rules of the school; and further provided, that this section shall not apply to pupils who have been exempted from school attendance in accordance with RSA 193:5.

HB 478-FN, relative to the postsecondary vocational education budget. Ought to Pass with Amendment.

This bill directs certain indirect funds and assessments in the postsecondary vocational education system into a revolving fund for use by that system. It also authorizes the Department of Education to continue to fund regional vocational education centers. Vote 15-0. Rep. Ralph W. Pearson for Education.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to the postsecondary vocational education budget and making an additional appropriation for constructing regional vocational education centers.

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Appropriation Increased. Amend RSA 188-E:10 (supp) as inserted by 1973, 567:1 as amended by striking out said section and inserting in place thereof the following:

188-E:10 Construction Appropriation. The treasurer of the state of New Hampshire is hereby authorized to make available to the state board of education for purposes of constructing regional vocational education centers an amount not to exceed \$52,300,000. Authorization for expenditure of such funds shall be made by the state department of education to the treasurer in accordance with this chapter. The treasurer is authorized to issue bonds in accordance with the provisions of RSA 6-A for the purpose of funding this appropriation.

5 Lapse Date. The date, pursuant to RSA 9:18, of lapse of any unexpended portion of any funds appropriated under RSA 188-E:10 prior to the effective date of this act shall be December 31, 1983.

6 Effective Date. This act shall take effect 60 days after its passage.

Referred to Appropriations.

HB 511-FN, relative to school district liability for special education. Ought to Pass.

HB 511 provides that a school district which is responsible for special education costs for a child in a home for children or health care facility pay the district providing the special education program either the district's average per pupil cost or the actual prorated cost of the special education program. There was no opposition at the hearing. Vote 16-0. Rep. Betty Jo Taffe for Education.

HB 822, revising the charter of the Concord union school district. Ought to Pass.

This bill revises the Charter of the Concord Union School district and makes other changes. It provides that the fees and procedures relative to the election of city councilors will apply to the Board of Education elections. Several other changes of a housekeeping nature are included. Vote 14-0. Rep. James F. Kinhan for Education.

HB 554, relative to cutting timber near certain waters and public highways. Inexpedient to Legislate.

The Committee feels this would be better solved at the local level. Largely



unenforceable by state agencies. Vote 16-0. Rep. Eleanor M. Anderson for Environment and Agriculture.

HB 813-FN, relative to litter on private property. Inexpedient to Legislate.

This bill as written does not meet the intent of the sponsor. Vote 16-0. Rep. Ellen M. Cressy for Environment and Agriculture.

HB 829, relative to the energy evaluation committee. Inexpedient to Legislate.

This subject covered by other legislation. Vote 16-0. Rep. Irene J. Shepard for Environment and Agriculture.

HB 836, postponing the date required for organizing solid waste management districts from October 1, 1983, to October 1, 1985, and establishing criteria for exempting towns from participating in solid waste management districts. Inexpedient to Legislate.

The Committee feels that the problems addressed in this bill can readily be solved by the Solid Waste Management Board to the satisfaction of the town of Litchfield. Vote 16-0. Rep. Frank J. Kozacka for Environment and Agriculture.

HB 754, relative to the offices of commissioner and deputy commissioner of safety. Inexpedient to Legislate.

The bill is not compatible with current legislative policy and would substantially alter the present authority of the Director of the State Police to oversee his department. Vote 14-0. Rep. Dean Dexter for Executive Departments and Administration.

HB 571-FN, prohibiting state funding of abortions. Inexpedient to Legislate. Sponsor requested this bill be withdrawn as situation is already covered. Current New Hampshire law does not provide for funding of abortions. Vote 19-0. Rep. Samuel D. Clark for Health and Welfare.

HB 820-FN, relative to the supervision of a person who has been discharged from a mental health facility after receiving treatment for mental illness. Ought to Pass. Conditional discharge from the state mental institution was determined very useful and given the due process provided in the bill to protect patients' rights. Vote 20-0. Rep. Evelyn S. Dean for Health and Welfare.

HB 821-FN, relative to the administration of emergency medical treatment following involuntary emergency hospitalization. Ought to Pass with Amendment.

The Committee felt that a hospital should be in a position to treat patients. The Committee understood the difficulty in determining competency to give informed consent by extremely incapacitated patients and understanding that a district court will review the

need for hospitalization, then authorization for treatment for a limited time is indicated. Vote 20-0. Rep. Evelyn S. Dean for Health and Welfare.

#### Amendment

Amend RSA 135:21-c as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

135:21-c Emergency Treatment; Involuntary Emergency Hospitalization.

I. Notwithstanding RSA 135:21-b, if the district court finds probable cause for involuntary emergency hospitalization pursuant to the provisions of RSA 135-B:23, a physician licensed in the state or a person acting under his direction may administer a recognized and approved form of medical or psychiatric treatment which the physician reasonably believes will tend to promote the physical and mental health of a patient at the New Hampshire hospital or any other treatment facility designated as a receiving facility under RSA 135-B, when:

(a) The patient, because of physical or mental condition, is unable to make an informed decision, as defined in RSA 135-B:2, X, with respect to the medical or psychiatric treatment offered; and

(b) A reasonable person would consent to the administration of the emergency treatment.

II. A licensed physician or a person acting under his direction may administer medical or psychiatric treatment under this section only during the 10 day period following the certification by a physician pursuant to RSA 135-B:20 of a petition for involuntary emergency hospitalization.

HB 831, transferring the licensing of child care agencies from the division of welfare to the department of health and welfare. Ought to Pass.

This bill moves child care licensing from the Division of Welfare to the Department of Health and Welfare. It also provides that during each licensing period one unannounced visit will be made to each child care agency, as well as an announced supervisory visit. The department is required to investigate possible child abuse charges on each applicant. Vote 17-0. Rep. Mary Jane Wallner for Health and Welfare.

HB 841, requiring providers of medical assistance to furnish itemized statements to recipients of such assistance. Ought to Pass with Amendment.

This bill allows patients to receive itemized bills from any medical provider at no cost to patient. Vote 13-0. Rep. Matthew M. Sochalski for Health and Welfare.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:



## AN ACT

requiring providers of medical services to furnish itemized statements to both recipients of such services and any third party payers.

Amend section one of the bill by striking out same and inserting in place thereof the following:

1 Itemized Bills. Amend RSA 151 by inserting after section 12 the following new section:

151:12-a Itemized Bills.

I. Any provider of medical services, including physicians, facilities licensed under this chapter and nursing homes as defined in RSA 151-A:1, IV, who is to receive payment from a third party shall provide the person receiving such services and the third party with an itemized statement within 30 days of such service. The statement shall contain a list of services rendered, the dates on which such services were rendered and the costs of those services; provided, however, that a nonitemized bill may be rendered if it includes in large, easily readable print the following: "An itemized bill will be gladly submitted free of charge on request."

II. An infraction of the provisions of paragraph I shall be a violation punishable by a fine of not more than \$25.

HB 520, relative to the right to privacy law. Ought to Pass with Amendment.

This bill make several changes in the privacy act so that grand juries have easier access to financial records. These modifications, while still more restrictive than under federal law, will enable the Attorney General to prosecute white collar crime more effectively. Vote 13-4. Rep. Donna P. Sytek for Judiciary.

## Amendment

Amend RSA 359-C:14-a as inserted by section 8 of the bill by striking out same and inserting in place thereof the following:

359-C:14-a Remedies Exclusive. The remedies provided under the provisions of this chapter shall be the exclusive remedies available to a customer aggrieved by a violation of the provisions of this chapter.

HB 530-FN, relative to persons incompetent to stand trial. Refer for Interim Study.

The Committee felt the subject matter addressed by this bill is worthy of legislation, but due to time constraints and the necessity for further research, the Committee recommends that it be referred for interim study. Vote 11-1. Rep. Maureen E. Raiche for Judiciary.

HB 546-FN, increasing the uncontested special session fee for probate judges. Ought to Pass.

This legislation will increase the fee for probate judges required to sit in uncontested special session. This fee

has not been increased since 1957. Vote 13-1. Rep. Beverly A. Hollingworth for Judiciary.

HB 562, relative to dental examinations of dead bodies not identifiable by other means. Ought to Pass with Amendment.

This bill directs county medical examiners to provide for dental examination of unidentifiable dead bodies. The information thus acquired would then be compared to dental records of missing persons which would be maintained by the state police. Vote 17-0. Rep. Beverly A. Hollingworth for Judiciary.

## Amendment

Amend RSA 611:33 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

611:33 Dental Records. If a person reported missing has not been found within 30 days, the county sheriff, chief of police of a city or town, medical examiner, or other law enforcement authority initiating or conducting the investigation for the missing person shall request the family or next of kin of the missing person to give them written consent to contact and request from the dentist of the missing person the person's dental records. The dental records of the missing person shall be forwarded to the division of state police on a form supplied by the division for that purpose.

HB 577, relative to the membership of the administrative committee of the district and municipal courts. Inexpedient to Legislate.

It was deemed that this bill is no longer necessary. Vote 15-1. Rep. Maureen E. Raiche for Judiciary.

HB 644-FN, relative to driving while intoxicated. Inexpedient to Legislate. The subject matter of this bill is being addressed in the DWI package. Vote 13-0. Rep. Maureen E. Raiche for Judiciary.

HB 668, making blood alcohol tests of persons arrested for driving while intoxicated inadmissible if administered by the arresting officer. Inexpedient to Legislate.

HB 668 would be very costly to some communities, requiring extra personnel to be ordered to work at time and a half. Most arguments for the bill were set aside with the use of the new intoximeter. Vote 14-1. Rep. Daniel A. Eaton for Judiciary.

HB 669-FN, allowing persons arrested for driving while intoxicated to choose among taking a blood, urine or breath test. Inexpedient to Legislate.

HB 669 would allow a DWI arrestee to circumvent the system by asking for a test that is not available or very difficult to obtain. Vote 12-2. Rep. Daniel A. Eaton for Judiciary.

HB 670, permitting suits against administrators under certain conditions. Inexpedient to Legislate.

The Committee felt that this proposal would impede the expeditious settling of estates. Vote 10-3. Rep. Donna P. Sytek for Judiciary.

HB 672, relative to actions allowed against insolvent estates. Ought to Pass with Amendment.

This bill allows suits by an aggrieved party without affecting the administration of the estate insofar as heirs and creditors are concerned. Vote 12-2. Rep. Frank J. Sylvia for Judiciary.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:  
1 Actions Covered by Insurance. Amend RSA 556:8 by striking out said section and inserting in place thereof the following:

556:8 Effect of Insolvency. No action shall be begun against an administrator after the estate is decreed to be administered as insolvent, unless the deceased was insured for the matter which is the subject of the action, and, in such case, recovery shall be limited to the coverage of the insurance policy or policies. No action against the deceased or his administrator pending in court when such decree is made shall be further prosecuted therein, unless by leave of the court in which it is pending. If an action is thus prosecuted and judgment is rendered for the plaintiff, the judgment shall be certified to the probate court, and the amount of the judgment shall be added to the list of claims.

HB 677-FN, to require a mandatory sentence for robbery in certain circumstances. Inexpedient to Legislate.

No one was present to testify for the bill and the Committee felt that current penalties were adequate. Vote 15-0. Rep. Daniel A. Eaton for Judiciary.

HB 678, permitting the issuance of oral search warrants. Inexpedient to Legislate. The Committee felt there was no need to change present statutes dealing with search warrants. Vote 16-0. Rep. Geraldine C. Watson for Judiciary.

HB 679, relative to the interception of oral and wire communications. Inexpedient to Legislate.

While there is a need for some action to be taken on interception of communications, the potential for abuse by some and the possible results of same outweighed the value. Vote 15-1. Rep. Frank J. Sylvia for Judiciary.

HB 680-FN, relative to the manufacture, sale and possession of dangerous weapons. Inexpedient to Legislate.

The Committee felt that the bill was too far-reaching and would make the State Police a mini Bureau of Alcohol, Tobacco and Firearms. Vote 15-0. Rep. Daniel A. Eaton for Judiciary.

HB 694, relative to the receipt of stolen property. Inexpedient to Legislate. HB 694 would have left the door open for some criminals to possess stolen merchandise and not be charged with the offense. The Committee felt that present law was working quite well. Vote 10-7. Rep. Daniel A. Eaton for Judiciary.

HB 764-FN, relative to municipal and district court nonjudicial personnel. Inexpedient to Legislate.

The problems this bill seeks to address are handled in HB 200, the unified court bill. Vote 16-0. Rep. Robert G. Holbrook for Judiciary.

HB 774, relative to inheritance of children born of unwed parents. Ought to Pass with Amendment.

This bill clarifies the status of these children as to their inheritance rights and would replace a statute found unconstitutional in Federal Court. Vote 17-0. Rep. David E. Cote for Judiciary.

#### Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:  
3 Effective Date. This act shall take effect upon its passage.

HB 382, adding members to joint committee on employment relations. Ought to Pass with Amendment.

This bill increases the membership on the joint legislative committee on employment relations by adding one member each from House and Senate Ways and Means Committee and one member from majority and minority of Labor, Human Resources and Rehabilitation. It instructs them to hold hearings on all collective bargaining agreements with state employees, and all fact-finders reports relative to the collective bargaining process with the state employees and shall submit recommendations on such agreements to the Senate and House. The amendment merely adds a minority member to the Committee. Vote 13-0. Rep. Avis B. Nichols for Labor, Human Resources and Rehabilitation.

#### Amendment

Amend RSA 273-B:4, I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. There is hereby created a permanent joint legislative committee known as the joint committee on employment relations composed of the following members:

- (a) President of the senate;
- (b) Speaker of the house of representatives;
- (c) Majority leader of the senate;
- (d) Majority leader of the house of representatives;
- (e) Minority leader of the senate;

(f) Minority leader of the house of representatives;  
 (g) Senate finance committee chairman;  
 (h) House of representatives appropriations committee chairman;  
 (i) Senate ways and means committee chairman;  
 (j) House of representatives ways and means committee chairman;  
 (k) House of representatives labor, human resources and rehabilitation committee chairman; and  
 (l) House of representatives labor, human resources and rehabilitation committee ranking minority member.

HB 351-FN, relative to the expenses of trustees of trust funds. Ought to Pass with Amendment.

This bill allows the expenses of administering trust funds be paid from the income of the trust and allows unrestricted cemetery trust funds to be comingled by the trustees. Vote 16-0. Rep. Alf E. Jacobson for Municipal and County Government.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to certain trust funds.

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 Cemetery Trust Funds. Amend RSA 31:27 as amended by striking out said section and inserting in place thereof the following:

31:27 Collective Investments. Notwithstanding any statute or rule of law to the contrary, town and city trustees of trust funds may establish, maintain and operate one or more common trust funds, in which may be combined money and property belonging to the various trusts in their care, for the purpose of facilitating investments, providing diversification and obtaining reasonable income; provided however, that said common trust funds shall be limited to the investments authorized in RSA 31:25; provided further, that not more than \$10,000 or more than 10 percent of the fund, whichever is greater of any town or city common trust funds shall be invested under RSA 31:25 in the obligations of any one corporation or organization, excepting deposits in savings banks, or in the savings department of a national bank or trust company in this state, or in shares of any building and loan association or co-operative bank, incorporated and doing business under the laws of this state, or in the shares of any federal savings and loan association, located and doing business in this state, or in obligations of the United States and of the state of New Hampshire and its subdivisions; or in participation units of any common trust funds established by the

New Hampshire Charitable Fund in accordance with RSA 292:23. The participating contributory interests of said trusts shall be properly evidenced by appropriate bookkeeping entries showing on an annual basis the capital contribution of and the profits and income allocable to each trust; provided, however, that such bookkeeping entries need not be made for cemetery trusts for which records of the original trust grantors are preserved.

3 Compensation of Bookkeeper. Amend RSA 31:35 by striking out said section and inserting in place thereof the following:

31:35 Compensation of Bookkeeper. The bookkeeper of the trustees shall receive such compensation as the town meeting may determine.

4 Professional Banking Assistance.

Amend RSA 31:38-a by inserting after paragraph III the following new paragraph:

IV. Any expenses incurred pursuant to paragraph III of this section by a trustee or trustees of trust funds authorized by this chapter shall be charges against the trust funds involved and shall be identified and reported in the annual report of the trustee or trustees as expenditures out of trust funds made pursuant to RSA 31:38-a, III.

5 Effective Date. This act shall take effect 60 days after its passage.

HB 372-FN, relative to property tax bills. Inexpedient to Legislate.

Legislation proposed in this bill is covered by HB 593. Vote 14-0. Rep. Alf E. Jacobson for Municipal and County Government.

HB 381, legalizing the name "Contoocook Village Precinct" and legalizing the special meeting of that precinct held on December 29 and 30, 1982. Ought to Pass with Amendment.

This bill legalizes the name "Contoocook Village Precinct" and a special precinct meeting held December 29 and 30, 1982. The bill includes three amendments: (1) authorizes the collection of taxes on certain dates in the town of Londonderry; (2) legalizes the 1983 South Hampton school district meeting; and (3) legalizes the 1983 Conway school district meeting. The Committee felt that legalizing each of these items is warranted. Vote 16-0. Rep. George S. Lamprey for Municipal and County Government.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

legalizing the name "Contoocook Village Precinct," legalizing certain meetings and authorizing the collection of taxes on certain dates in the town of Londonderry.

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 Contoocook Village Precinct. All acts, votes and proceedings, including, but not limited to anything relating to the special bond issue for repair, replacement and installation of water lines, of the special precinct meeting of the Contoocook village precinct held on December 29 and 30, 1982, are hereby legalized, ratified and confirmed.

3 South Hampton School District. All acts, votes and proceedings, of the annual school district meeting of the town of South Hampton held on March 1, 1983, including, but not limited to, adoption of the budget as inserted in the warrant at the meeting, are hereby legalized, ratified and confirmed.

4 Conway School District. All acts, votes and proceedings of the annual school district meeting of the town of Conway held on March 22, 1983, are hereby legalized, ratified and confirmed.

#### 5 Town of Londonderry.

I. Notwithstanding any other provision of law to the contrary, the collection of taxes in the town of Londonderry shall conform to the following provisions: Taxes assessed as of April 1, 1983, shall be assessed for a single 18 month accounting period running from January 1, 1983, to June 30, 1984. The town shall budget its receipts and expenditures and raise and appropriate revenues on the basis of the single 18 month period. Taxes for the 18 month period are to be paid as follows: On June 1, 1983, a payment on the taxes for said period shall be due and payable which shall equal 1/2 the amount of taxes paid on the 1982 assessment, if any; a second payment shall be due and payable on or before December 1, 1983, which shall be equal to 2/3 of the assessment made for April 1, 1983, less the amount of the payment due June 1, 1983; and the balance of the taxes due on the then current assessment shall be due and payable on or before June 1, 1984. Taxes assessed as of April 1, 1984, and in all subsequent years shall be due and payable as follows: 1/2 on or before December 1 of the year in which the assessment was made and 1/2 on or before June 1 of the following year.

II. Interest at the rate prescribed by RSA 76:13 shall be charged on all taxes except residence taxes not paid on or before either the respective dates on which taxes are due and payable under paragraph I or the thirtieth day after the tax bills are mailed, whichever is later.

6 Effective Date. This act shall take effect upon its passage.

HB 474, authorizing the mayor of Concord, with the consent of the city council, to appoint commissioners to the Concord housing authority. Ought to Pass.

The Committee was of the opinion that a housekeeping action germane to the statutes would expedite authority of Mayor-Council and Housing Authority Commissioners. Vote 16-0. Rep. Paul A. Golden for Municipal and County Government.

HB 501, relative to funds deposited by treasurers of municipalities, counties and school districts. Inexpedient to Legislate.

The Committee could find no widespread dissatisfaction with the present laws addressing the handling of municipal funds by the banking industry. Vote 16-0. Rep. David M. Perry for Municipal and County Government.

HB 509, relative to tax liens. Inexpedient to Legislate.

This bill would put a lot of extra work on the tax collectors' bookkeeping accounts and not accomplish much that is not already covered by statute. Vote 16-0. Rep. Frank E. McIntire for Municipal and County Government.

HB 537-FN, relative to property tax assessments. Ought to Pass.

This bill restricts the number of appeals from a tax assessment which are available on each parcel of property to one appeal each time the property is reassessed. Vote 14-0. Rep. Eugene W. Clark for Municipal and County Government.

HB 550-FN, relative to apportionment, assessment and abatement of taxes. Ought to Pass with Amendment.

This bill outlines the handling of warrants when towns are on semi-annual tax billing. It also establishes a deadline for presentation of the tax lists to the tax collector. It makes other housekeeping changes in reference to payments to state and county treasurers. Vote 16-0. Rep. John P. Lawrence for Municipal and County Government.

#### Amendment

Amend RSA 76:10 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

76:10 Selectmen's Lists and Warrant. A list of all property taxes by them assessed shall be made by the selectmen under their hands, with a warrant under their hands and seal. The list shall be directed to the collector of such town, requiring him to collect the same, and to pay to the town treasurer such sums and at such times as may be therein prescribed. The selectmen of a town or the board of assessors of a city may round off to the nearest dollar the total tax due on each parcel appearing on the list.

Amend RSA 76:15-a, II as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

II. For the purposes of this section, the lists of assessed property shall be committed by the selectmen with a warrant under their hands and seal directed to the collector of such town no later than May 15. The collector shall mail all the bills for this partial payment no later than June 15. Partial payment of taxes assessed under this section shall be due and payable on July 1. A payment of the remainder of the taxes assessed April 1, minus the payment due on July 1 of that year, shall be due and payable December 1. Interest charged on all taxes not paid on or before the date they are due shall be as prescribed in RSA 76:13, except that, when bills for



the partial payment under this section are mailed on or after June 1, interest shall not be charged until 30 days after the last bill is mailed.

HB 555, requiring deeds or other conveyances of property to include the tax map and parcel number of the property. Ought to Pass with Amendment.

The Committee feels this bill to be a very essential act of legislation, beneficial to all parties concerned, and will be a great asset for all property identification. Vote 16-0. Rep. Robert H. Day for Municipal and County Government.

#### Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:  
3 Error or Omission. Amend RSA 477:32-a as inserted by 1965, 125:7 by striking out said section and inserting in place thereof the following:

477:32-a Error or Omission of Mailing Address. Any error in or omission of mailing address of grantee or mortgagee, tax map, or parcel number in the deed, mortgage or other conveyance, required by any provision of this chapter, shall not affect in any way the validity or effectiveness of such deed, mortgage or other conveyance of real estate.

4 Effective Date. This act shall take effect 120 days after its passage.

HB 561, prohibiting municipalities by zoning ordinance from regulating the antenna or structure supporting the antenna of a federally licensed radio amateur. Inexpedient to Legislate.

While the Committee is quite sympathetic to the interests of radio amateurs, it feels that an outright prohibition of the power of communities to regulate amateur radio antennas through zoning ordinances is not the way to go. The Committee feels the matter should be addressed in SB 3, perhaps as a special exception. Vote 14-0. Rep. Richard A. Grodin for Municipal and County Government.

HB 563, providing that tax arrears shall appear on property tax bills. Inexpedient to Legislate.

This bill sets up a procedure which would seriously delay the mailing of tax bills. It also imposes a considerable clerical load at a time when tax bills are mailed. Vote 14-0. Rep. Ezra B. Mann for Municipal and County Government.

HB 570-FN, authorizing county conventions to set minimum and maximum pay scales for certain county officials. Inexpedient to Legislate.

Current law already permits the county convention to establish minimum and maximum pay scales, hence, there is no need for the state to mandate this event by statute. Vote 16-0. Rep. Armand D. Talbot for Municipal and County Government.

HB 578, creating a joint legislative committee to study the feasibility of merging all unincorporated places with abutting towns. Ought to Pass.

The Committee feels there is good cause to establish a study committee to study the status of unincorporated places to determine if they should be incorporated with adjacent towns. Vote 15-0. Rep. David M. Perry for Municipal and County Government.

HB 584, permitting towns without zoning to establish village districts with zoning. Ought to Pass.

This bill authorizes certain districts to have zoning when the town does not wish to zone. Vote 16-0. Rep. Helene R. Dupont for Municipal and County Government.

HB 591, clarifying the status of tax warrants in semi-annual billing and relative to tax records. Ought to Pass.

This bill clarifies procedures for towns using twice-a-year tax billing and reduces by one the number of "blotter books" needed in some towns. Towns without full-time offices will still require three "blotter books." Vote 15-0. Rep. David M. Perry for Municipal and County Government.

HB 593, to allow taxes to be assessed to the current owner of property if it has changed hands after April 1. Ought to Pass.

This bill requires the selectmen to assess property taxes to the owner of the property as of April 1, or if the property has changed hands after April 1, to the current owner, if known. Vote 14-0. Rep. Alf E. Jacobson for Municipal and County Government.

HB 594, requiring tax collectors to mail tax notices to delinquents 30 or fewer days prior to posting the tax sale. Ought to Pass.

This bill gives a property owner a longer notice of time before which his property will be listed in a public notice of sale of property for taxes. This enables a property owner to possibly pay his tax bill before being posted for tax sale. Vote 14-0. Rep. Frank E. McIntire for Municipal and County Government.

HB 609-FN, relative to tax exempt property. Inexpedient to Legislate.

The Committee was of the opinion that this act of legislation seems repetitious of previous proposed legislation which failed to serve any constructive purpose of all parties concerned. Vote 14-0. Rep. Paul A. Golden for Municipal and County Government.

HB 619-FN, authorizing collection of certain outstanding charges through the tax collection process. Inexpedient to Legislate.

While the intent of this bill is desirable, the language and procedures

included are not compatible with the tax sale procedures presently in existence. Vote 15-0. Rep. John P. Lawrence for Municipal and County Government.

HB 647, relative to the Gunstock area commission. Inexpedient to Legislate. The sponsors requested this bill be reported inexpedient to legislate. Vote 17-0. Rep. Ezra B. Mann, II for Municipal and County Government.

HB 653-FN, relative to property tax exemptions for senior citizens. Inexpedient to Legislate.

This bill standardizes the exemption for any person over 65 years of age. It creates liens for all real properties so exempted. The Committee felt this bill went too far, and furthermore, RSA 72:38-a already provides for lien and tax exemption for elderly in the cases of hardship. Vote 15-0. Rep. Alf E. Jacobson for Municipal and County Government.

HB 664, relative to contiguous nonconforming lots. Ought to Pass.

This bill provides that contiguous lots under common ownership that individually are non-conforming must be combined into a single lot to achieve conformity with zoning regulations. Vote 14-0. Rep. John P. Lawrence for Municipal and County Government.

HB 685-FN, updating statutes relative to tax exemptions. Inexpedient to Legislate. The provisions in HB 685 are covered in HB 192 now before the Senate. Vote 14-0. Rep. David M. Perry for Municipal and County Government.

HB 700-FN, relative to the Manchester retirement system. Inexpedient to Legislate. At the hearing all testimony was against this bill. The Committee felt since the part of the retirement in question is being phased out there was no need for this legislation. This bill could disrupt the retirement system of the city. Vote 16-0. Rep. Lawrence Cronin for Municipal and County Government.

HB 704-FN, relative to public hearings on change of size of board of selectmen. Ought to Pass.

Current law requires a public hearing on a petition to increase size of the Board of Selectmen, but does not require hearing on petition to decrease the size of the Board of Selectmen and sets the time for hearing thus making the system more uniform. Vote 16-0. Rep. Roger C. King for Municipal and County Government.

HB 705-FN, providing optional allowances for the beneficiary of a deceased retirement system member. Ought to Pass.

This bill was requested by the New Hampshire Retirement System to correct an apparent discrepancy of the system. This change supports a recent decision of the New Hampshire Supreme Court. Vote 16-0. Rep. Everett R. Reney for Municipal and County Government.

HB 708-FN, relative to parking in the city of Concord. Inexpedient to Legislate. The Committee felt that this bill was not appropriate. No additional parking would be added by this legislation. The bill would change the jurisdiction from the City to the State with a substantial loss of revenue to the City of Concord. Vote 16-0. Rep. David M. Perry for Municipal and County Government.

HB 709, requiring municipalities to allow cluster zoning. Inexpedient to Legislate.

Planned unit development and cluster housing offer attractive possibilities, but not necessarily for every town and city. Present legislation, which encourages innovative zoning, is an approach far superior to any state-level mandate. Vote 16-0. Rep. Richard A. Grodin for Municipal and County Government.

HB 710, prohibiting municipalities from imposing certain restrictions on subdivision developments. Inexpedient to Legislate.

Testimony on this bill centered on circumstances where planning boards might impose restrictions which prove impractical. The Committee feels that present law contains ample provision for relief in such instances. Vote 16-0. Rep. George S. Lamprey for Municipal and County Government.

HB 711-FN, permitting a municipality to establish a reserve for fiscal year change costs. Inexpedient to Legislate.

This bill sets up a simple process for conversion to the optional fiscal year. It appears, however, that more research on the legality of the procedure is needed. Vote 15-0. Rep. John P. Lawrence for Municipal and County Government.

HB 717-FN, relative to a fee for subdivisions of land. Inexpedient to Legislate.

The Committee feels there are inherent problems in this bill as presented which make it inadvisable to consider favorably at this time. Vote 16-0. Rep. Richard A. Grodin for Municipal and County Government.

HB 722, relative to the discharge and removal of county employees. Inexpedient to Legislate.

No one appeared in favor of HB 722 at the public hearing. All the testimony was in opposition. Vote 15-0. Rep. David M. Perry for Municipal and County Government.

HB 738-FN, permitting the town of Clarksville to expend tax revenues for the plowing of certain private driveways. Ought to Pass.

This bill permits the town of Clarksville to expend tax revenues for the plowing of private driveways. Vote 15-0. Rep. Eugene W. Clark for Municipal and County Government.



HB 755, relative to county attorneys.  
Ought to Pass with Amendment.

This bill allows counties to appoint a first assistant county attorney and fix the salary therefor. Vote 14-0. Rep. Eugene W. Clark for Municipal and County Government.

#### Amendment

Amend RSA 7:33-a as inserted by section one of the bill by striking out same and inserting in place thereof the following:

7:33-a First Assistant County Attorney. There may be a first assistant county attorney for each county who shall assist the county attorney in the discharge of his duties. He shall be appointed by the county attorney, and his term shall run concurrently with that of the county attorney. He shall act under the supervision, direction and control of the county attorney; and, in the absence of the county attorney, he shall perform all duties of said office. The annual salary for the first assistant county attorney shall be set by the county convention, upon the recommendation of the county attorney with the approval of the executive committee. In the event a vacancy occurs in the office of the county attorney, the first assistant county attorney shall act as county attorney until the vacancy is filled in accordance with RSA 7:33.

HB 770-FN, granting certain municipalities the option of setting their own tax rates. Ought to Pass with Amendment. This bill grants to a community which has had a complete, independent audit by a certified public accountant within the prior two years, the option of setting its own tax rate. Vote 16-0. Rep. Eugene W. Clark for Municipal and County Government.

#### Amendment

Amend RSA 71-A:23-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:  
71-A:23-a Municipal Tax Rate.

Notwithstanding the provisions of RSA 71-A:30, II or any other provision of law, any municipality which has undergone a complete and independent audit by a certified public accountant in accordance with generally accepted accounting principles within the prior 2 years may set its own tax rate. The municipality shall decide by majority vote of its governing body whether or not to set its own tax rate and, if it decides to set its own rate, what that rate shall be. If the governing body votes to set the municipality's tax rate, the commissioner shall establish the tax rates for the school district, county, village district, and any other unit other than the municipality which is represented on the tax billing. If the commissioner has reason to believe that illegal appropriations or financial irregularities exist in a municipality which has exercised this option, he shall so alert the

municipality's auditor and the chief elected official of the municipality, who shall take appropriate action.

HB 795-FN, eliminating taxpayer inventory blanks. Inexpedient to Legislate. Present statutory laws permit all cities and towns to eliminate inventory blanks now, and the Committee felt that those towns who wish to continue inventory blanks ought to be able to do so. Vote 14-0. Rep. Alf E. Jacobson for Municipal and County Government.

HB 805, to provide for self-government for Strafford county. Refer for Interim Study.

More work is needed on HB 805. The sponsor agreed the bill should be studied. Vote 14-1. Rep. Lawrence Cronin for Municipal and County Government.

HB 824, relative to the erection of buildings on class V and class VI highways. Ought to Pass.

This bill clears up a cloudy area pertaining to development on class VI highways. This bill is a local option bill. Vote 15-0. Rep. David M. Perry for Municipal and County Government.

HB 825, relative to referring certain zoning and subdivision changes to regional planning commissions and abutting towns. Ought to Pass with Amendment.

This bill directs that zoning changes and subdivision proposals for more than 3 lots which are within 500 yards of a town border must be referred to the appropriate regional planning commission and each abutting town for their review and comment. Comments from regional planning commission and abutting towns to be advisory in nature. Vote 15-0. Rep. Frank E. McIntire for Municipal and County Government.

#### Amendment

Amend RSA 36:23-a, I as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

I. When a planning board considers a subdivision proposal under RSA 36:23 for more than 3 lots which is within 500 yards of a town border, the planning board shall also refer the proposal to the appropriate regional planning commission and each abutting town for review and comment.

HB 826, relative to the powers and duties of regional planning commissions. Ought to Pass with Amendment.

This bill allows regional planning commissions to contract with non-member towns on a cost-plus basis and provides additional flexibility. Vote 14-1. Rep. Richard A. Grodin for Municipal and County Government.

## Amendment

Amend RSA 36:47 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

36:47 General Powers and Duties of Regional Planning Commission. A regional planning commission's powers shall be advisory and shall generally pertain to the development of the region within its jurisdiction as a whole. Nothing in this subdivision shall be deemed to reduce or limit any of the powers, duties or obligations of planning boards in individual municipalities. The area of jurisdiction of a regional planning commission shall include the areas of the respective municipalities within the delineated planning region. It shall be the duty of a regional planning commission to prepare a comprehensive master plan for the development of the region within its jurisdiction, including the commission's recommendations, among other things, for the use of land within the region; for the general location, extent, type of use, and character of highways, major streets, intersections, parking lots, railroads, aircraft landing areas, waterways and bridges, and other means of transportation, communication, and other purposes; for the development, extent, and general location of parks, playgrounds, shore front developments, parkways, and other public reservations and recreation areas; for the location, type, and character of public buildings, schools, community centers, and other public property; and for the improvement, redevelopment, rehabilitation, or conservation of residential, business, industrial and other areas; including the development of programs for the modernization and coordination of buildings, housing, zoning and subdivision regulations of municipalities and their enforcement on a unified basis. In addition, regional planning commissions may provide such other services as member municipalities may from time to time request. A regional planning commission may authorize its employees or consultants to render assistance to any municipality or county which is not a member of said regional planning commission. The cost of such assistance shall be paid entirely by the municipality or county to which the service is rendered or partly by any gift, grant, or contribution which may be available for such work or by combination thereof. Said commission shall keep a strict account of the cost of such assistance and shall provide such municipality or county with an itemized statement.

HB 834, eliminating the requirement that the commissioner of revenue administration certify the issuance or authorization of municipal and county bonds and notes. Ought to Pass.

This bill eliminates the requirement that the Commissioner of Revenue Administration certify the issuance or authorization of municipal and county bonds and notes. Vote 14-1. Rep. Frank E. McIntire for Municipal and County Government.

HB 839, to compensate deputy sheriffs in Hillsborough county on a salary and expense basis. Ought to Pass.

This bill establishes an annual compensation schedule for all deputy sheriffs in Hillsborough County and requires fees and mileage to be collected by the County Treasurer. Vote 15-0. Rep. Alf E. Jacobson for Municipal and County Government.

HB 843-FN, regarding changes in the timber tax laws. Ought to Pass.

This bill is the result of much study by an interim study committee, and this Committee feels that this bill does much to correct discrepancies in the present Timber Tax Law. Vote 15-0. Rep. Everett R. Roney for Municipal and County Government.

HB 648-FN, relative to smoke detectors in rental units. Ought to Pass with Amendment.

The bill, as amended, provides guidance as to the smoke detector requirements in rental units, which has not been clearly articulated in previous legislation. As rental units are so prominent in the tourism industry, this legislation will serve to give maximum protection from fire, smoke, etc., to visitors in New Hampshire. Vote 11-1. Rep. Robert H. Carlson for Public Protection and Veterans Affairs.

## Amendment

Amend RSA 153:10-a, II-a as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

II-a. Every rental unit as defined in RSA 153:1, IX-a shall be equipped with at least one automatic fire warning system. An automatic fire warning system shall be located in each hallway or area which is adjacent to a sleeping area.

HB 682, requiring certification by the state fire marshal of certain firefighting units. Ought to Pass with Amendment.

The Committee determined that cities desiring to contract with private firefighting units would be aided by the knowledge of the State Fire Marshal, who would provide the assurance that the firefighting unit had the requisite personnel skills, technical equipment and experience to perform in a satisfactory manner. Vote 10-1. Rep. John J. Wallace for Public Protection and Veterans Affairs.

## Amendment

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Effect on Current Contracts. Any valid contract entered into by a city and an uncertified private firefighting unit prior to the effective date of this act shall not be affected by the provisions of this act. For any contracts entered into after the effective date of this act, the provisions of this act shall be applicable.

Amend the bill by striking out section one and renumbering sections 2 - 5 to read as 1, 2, 3 and 4 respectively.

HB 713, to prohibit the possession of short-barrel shotguns, silencers, and teflon-coated, armor-piercing and exploding bullets. Ought to Pass with Amendment.

The Committee determined, after lengthy and detailed discussions, that it would be easier and more efficient to ban certain type cartridges by placing heavy penalties on those who use the cartridges in the commission of a misdemeanor or a felony, rather than by trying to regulate and control the sale and possession of the cartridges. Vote 12-0. Rep. John W. Flanders for Public Protection and Veterans Affairs.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to the felonious use of teflon-coated, armor-piercing and exploding bullets.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Felonious Use of Certain Bullets and Cartridges. Amend RSA 159 by inserting after section 17 the following new section:

159:18 Felonious Use of Teflon-coated, Armor-piercing and Exploding Bullets and Cartridges.

I. A person is guilty of a class B felony if he uses or attempts to use any teflon-coated or armor-piercing bullet or cartridge, or any bullet or cartridge which contains any explosive substance in the projectile and is designed to explode upon impact, in the course of committing any misdemeanor or felony.

II. Neither the whole nor any part of a sentence of imprisonment imposed for a violation of this section shall be served concurrently with any other term of imprisonment.

HB 772, relative to the use and possession of body armor. Ought to Pass with Amendment.

There are literally dozens and dozens of categories of persons, other than peace officers, who have a legitimate reason for the use of protectant body armor. To require each such person to secure a permit to purchase, own and wear the armor would require a licensing system, similar to that for permits to carry concealed weapons. The Committee felt that the best way to control the use of body armor would be to inflict heavy penalties on those who may wear the armor during the commission of a misdemeanor or a felony. Vote 12-0. Rep. John W. Flanders for Public Protection and Veterans Affairs.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to the felonious use of body armor.

Amend section 1 of the bill by striking out same and inserting in place thereof the following:

1 Use of Body Armor in Commission of Crime Prohibited. Amend RSA by inserting after chapter 650-A the following new chapter:

#### CHAPTER 650-B FELONIOUS USE OF BODY ARMOR

650-B:1 Definition. In this chapter, "body armor" means any device designed to be worn on the body which is bullet resistant and is designed and intended to provide ballistic and trauma protection.

650-B:2 Felonious Use of Body Armor.

I. A person is guilty of a class B felony if he commits or attempts to commit any misdemeanor or felony while using or wearing body armor.

II. Neither the whole nor any part of a sentence of imprisonment imposed for a violation of this section shall be served concurrently with any other term of imprisonment.

HB 470-FN, to reclassify certain highways in the towns of Jefferson and Center Harbor from class II to class V highways. Ought to Pass.

The reclassifying of these two sections of road has no fiscal impact on the towns or state. The Committee voted 16-0 in favor of this bill and it is mutually advantageous to the towns and the state. Rep. David T. Whittemore for Public Works.

HB 504, relative to the final environmental impact statement and the preliminary engineering studies of the corridor for the north quadrant of Nashua-Hudson circumferential highway project. Ought to Pass.

This legislation provides the necessary vehicle to realize not only the Hudson circumferential route, but also makes possible the improvements to 101 and 101-A that are now and have been overdue for a period of over 20 years. Vote 16-0. Rep. Darrell A. Wagner for Public Works.

HB 505-FN, providing for the replacement of the state-owned bridge on the Gray Rocks road in the town of Belmont and making an appropriation therefor. Inexpedient to Legislate.

The state of New Hampshire should not be expected to assume liabilities that more properly should be addressed by local authority. The Committee feels that the problem would be properly solved by a road serving a very few permanent and seasonal residents. Vote 13-2. Rep. Ted A. Pelletier for Public Works.

HB 582, eliminating eminent domain sections of the highway laws that conflict with RSA 498-A and amending RSA 498-A the eminent domain procedures act. Ought to Pass with Amendment.

Since this bill clarifies the statutes and eliminates contradiction and ambiguous interpretation, it should pass. Vote 16-0. Rep. Ted A. Pelletier for Public Works.

#### Amendment

Amend RSA 498-A:26, II(d) as inserted by section 6 of the bill by striking out same and inserting in place thereof the following:

(d) The value of the property before and after the taking, if different, and the amount of damages;

HB 597, relative to coordination of permits and approvals issued by the department of public works and highways and municipal planning boards. Inexpedient to Legislate.

The legislation being sought on this bill provides nothing constructive since the Commissioner of Public Works and Highways already enjoys the prerogative being requested. Vote 14-1. Rep. Ted A. Pelletier for Public Works.

HB 620, giving the state the right of first refusal on rail properties offered for sale within the state. Ought to Pass with Amendment.

This bill provides several prerogatives for the state to exercise without committing the state to fiscal responsibility unless it chooses to accept such responsibility. It places New Hampshire in a rather unique and desirable position to protect its assets. Vote 16-0. Rep. Ted A. Pelletier for Public Works.

#### Amendment

Amend RSA 228:60-b as inserted by section one of the bill by striking out same and inserting in place thereof the following: 228:60-b Purchase Price for Rail Properties. All rail properties within the state offered for sale by any railway corporation after the effective date of this section shall be offered for sale to the state of New Hampshire in the first instance. The state of New Hampshire, acting through the commissioner with the approval of governor and council, shall have a right to match any verifiable bona fide offer made for such rail properties within the limits of funds available in the special fund established under RSA 228:68. If the amount of the offer is unsatisfactory to the state, the commissioner may proceed to condemn such properties under RSA 228:59.

HB 687-FN, requiring any person filing a suit which delays the construction of a state highway or energy facility to post a bond. Refer for Interim Study.

This bill while having too many redeeming values to deny passage should, however, be refined and researched more

intensively to address all questions it raises. Vote 16-0. Rep. Ted A. Pelletier for Public Works.

HB 840-FN, relative to railroad right-of-way preservation. Ought to Pass.

This bill provides a means for preserving a valuable state asset. Vote 16-0. Rep. Mildred S. Ingram for Public Works.

SB 15-FN, relative to a special appropriation for resurfacing and betterments on the state highway system. Ought to Pass.

This bill appropriates \$4,000,000 to the Department of Public Works and Highways to be used for resurfacing 250 miles of state highways and small reconstruction and hazard elimination projects. Bonds are authorized to be issued for this funding. This work is also covered in the operating budget as passed by the House and should not be duplicated for funding reasons. Vote 15-0. Rep. Charles M. Nute for Public Works.

#### To Appropriations.

HB 528, permitting members of the general court to work at dog or horse race tracks. Inexpedient to Legislate.

The Committee felt that the present law was working well and the sponsor of the bill agreed. Vote 17-0. Rep. William A. Russell for Regulated Revenues.

HB 531-FN, relative to liquor and wine distribution. Ought to Pass with Amendment.

The Committee and the Liquor Commission agree that this legislation will speed the delivery of wine to the licensee. It also gives the Liquor Commission authority to adjust the bonding of wholesalers. The amendment prohibits the importation of liquor or wine into this state for resale purposes by anyone other than persons holding a New Hampshire Liquor Commission issued importer's license and establishes a \$500 fee for such license. Vote 17-0. Rep. Robert R. Blaisdell for Regulated Revenues.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to liquor and wine.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Importers. Amend RSA 178 by inserting after section 1 the following new section:

178:1-a Importers. No person shall import into this state for resale liquor as defined by RSA 175:1 or wine as defined by RSA 178-A:1 unless such person holds an importer's license issued pursuant to the provisions of this chapter. The commission



may issue an importer's license to an applicant who possesses a suitable warehouse for product storage and maintains adequate business records readily available for inspection by the commission. Liquor and wine imported into the state pursuant to the provisions of this chapter shall be sold only to the commission, consistent with applicable statutes, or to out-of-state entities. The fee for the importer's license shall be \$500 a year.

2 Domestic Wine. Amend RSA 178-B:1, 1 (supp) as inserted by 1981, 572:1 by inserting in line 8 after the word "state," the following (The percentage blend of New Hampshire wine shall be approved by the commission.) so that said paragraph as amended shall read as follows:

I. "Domestic wine" means any wine containing over 6 percent alcohol by volume and not over 24 percent alcohol by volume which is manufactured or bottled in this state from grapes or other fruits grown in this state, or brought into the state in their natural state for the purpose of fermentation and blending with wine produced from New Hampshire grapes or fruits, or wine which is brought into this state by a manufacturer to be blended with wine produced from New Hampshire grapes or fruits by a winery located in this state. The percentage blend of New Hampshire wine shall be approved by the commission.

3 Bond Required. Amend RSA 181:19 (supp) as amended by striking out in lines 4 and 5 the following (but not exceeding \$100,000,) so that said section as amended shall read as follows:

181:19 Bond Required. Each wholesaler or manufacturer holding a permit under the provisions hereof shall annually give to the state of New Hampshire a bond with sureties satisfactory to the commission in such penal sum as may be determined by the commission, conditioned upon the payment of the fees required under the provisions of this subdivision. The amounts due under said bond shall be recoverable in an action of debt to be brought by the attorney general upon complaint of said commission. The commission may waive the giving of such bond if satisfactory reports and payments are made at times which precede the statutory requirements.

4 Effective Date. This act shall take effect 60 days after its passage.

HB 323-FN, relative to the Summer Brook fish hatchery in the town of Ossipee. Ought to Pass with Amendment.

This bill prohibits the state from making any disposition of the Summer Brook rearing station in the town of Ossipee, without the state executing a conservation easement in perpetuity to protect the sand, gravel, loam and water which are present on this site. Vote 17-2. Rep. Mary Ann Lewis for Resources, Recreation and Development.

#### Amendment

Amend section 1 of the bill by striking out same and inserting in place thereof the following:

1 Declaration of Purpose.

I. Whereas, the property comprising the Summer Brook rearing station contains a unique ecological system; and

II. Whereas, its unique stand of timber includes the largest red pine tree in New Hampshire recognized by the society for protection of New Hampshire forests as the state champion; and

III. Whereas, this land is adjacent to the Pine river and protects one of the largest ground water resources in New England;

Now, therefore, the general court hereby finds that:

The general welfare and economic interest of the state require the protection of this natural resource from inappropriate or wanton use.

Amend 1982, 42:219, II as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

II. The Summer Brook rearing station, as described in paragraph I, shall not be disposed of by the executive director without the state executing a conservation easement to the society for the protection of New Hampshire forests in perpetuity to protect the sand, gravel, loam and water which may be present on this 161 acre tract of land. If the society for the protection of New Hampshire forests is unable or unwilling to serve as conservator, this easement shall revert to the Carroll county conservation district established pursuant to RSA 430-B. This easement shall be made an expressed covenant of any deed, lease or other document made on behalf of the state in disposition of said property.

HB 339-FN, to allow the town of Ossipee to lease the Summer Brook Rearing Station for town purposes. Ought to Pass with Amendment.

This bill provides the opportunity for the Town of Ossipee to repurchase the Summer Brook Rearing Station as well as the Fish and Game Department to continue to operate it if they so desire. Vote 17-1. Rep. Howard C. Dickinson, Jr. for Resources, Recreation and Development.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

providing the town of Ossipee the first option on purchasing the Summer Brook rearing station.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Statement of Purpose.

Whereas, the state took the Summer Brook rearing station property from the town of Ossipee by eminent domain proceedings; and

Whereas, the executive director of the fish and game department wishes to sell the property to generate revenue; and

Whereas, the property contains unusual geological features and a unique stand of timber in which the largest red pine in New Hampshire has been discovered; and

Whereas, the water supply rising from the base of the esker is of such quality and quantity as to be capable of supplying the town of Ossipee with fresh water in addition to servicing a rearing station more than twice the size of the existing operation; now, therefore,

The general court hereby recognizes:

That the town of Ossipee should be given the opportunity to repurchase the property in order to preserve the outstanding natural resources of the site and to insure the continuation of the rearing station operation which may prove useful to the state of New Hampshire in the future.

2 Town of Ossipee; Option to Buy Summer Brook Rearing Station. The town of Ossipee shall have the first option to purchase at the current appraised value the Summer Brook rearing station, Ossipee-161 acres more or less from the department of fish and game which was made available for sale by 1982, 42:219. The sale shall be subject to a conservation easement granted to the society for the protection of New Hampshire forests to protect the gravel and water on the site.

3 Town of Ossipee; Conditions of Transfer of Control of Summer Brook Rearing Station. If the town of Ossipee exercises this option, or obtains control of the property by other means, the property shall be placed under the administration of the Ossipee Conservation Commission. The transfer of control to the town of Ossipee shall be subject to the condition that the state may lease the rearing station facilities from the town after the expiration of any existing lease made by the town. If the state desires to exercise this option, notice of same shall be given to the town of Ossipee at least 12 months prior to the expiration of any existing lease.

4 Effective Date. This act shall take effect upon its passage.

HB 420, relative to the change in the use of structures built for residential or commercial use. Ought to Pass with Amendment.

This bill provides a method of dealing with the problem created when a change of use of an existing dwelling creates an overload on the existing septic system which could cause water pollution. Vote 15-2. Rep. Richardson Blair for Resources, Recreation and Development.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to the change in the use of buildings built for residential or commercial use.

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 New Subdivision. Amend RSA 147 by inserting after section 17 the following new subdivision heading:

#### Private Sewage Systems

##### 3 Inadequacy of Private Sewage

Systems. Amend RSA 147:17-a and RSA 147:17-b as inserted by 1971, 310:2 by striking out said sections and inserting in place thereof the following:

147:17-a Faulty or Inadequate Private Sewage Systems.

I. (a) If any private sewage system is in such disrepair as to constitute a source of danger to the health of the public, the health officer or building inspector shall give written notice to and order the owner to put the same in a proper sanitary condition within a reasonable time.

(b) If any private sewage system is deemed inadequate due to expansion, extension or intensification of use as to constitute a source of danger to the health of the public, the health officer or building inspector shall give written notice to and order the owner to put the same in a proper sanitary condition within a reasonable time.

II. If the person ordered to put the system in proper sanitary condition fails to correct the problem, the municipal health officer or building inspector shall request the selectmen or mayor and council to put the system in proper sanitary condition if sufficient funds have been appropriated for this purpose pursuant to RSA 31:4, XLVI.

147:17-b Installments for Repair Cost. All expenses to the town or city for repairs made pursuant to the provisions of RSA 147:17-a, II shall constitute an assessment against the owner and shall create a lien upon the lands on account of which such repairs are made. The governing board shall have all the powers in making, assessing, and enforcing such lien as are provided in the applicable provisions of RSA 231:111, 112 and 113.

4 Disposal Permits. Amend RSA 147 by inserting after section 17-b the following new sections:

147:17-c Definition. As used in RSA 147:17-c through 147:17-i, "individual sewage disposal system" means any private sewage disposal or treatment system, other than a municipally owned and operated system, which receives either sewage or other wastes, or both. Such systems shall include septic tank leach field systems; privies or dry pit toilets; incinerator-type toilets, whether gas-operated, electric, fossil-fueled or any combination thereof; cesspools, and holding tank systems.

147:17-d Permit.

I. The health officer of a municipality shall, pursuant to his powers under RSA 147:1 or a building inspector of a municipality shall pursuant to his powers under RSA 156 and subject to the approval of the local governing body, adopt regulations requiring a person to obtain a permit as provided in paragraph II before taking any action which will increase the load on a private sewage disposal system.

II. Prior to expanding, extending, or intensifying the use of an existing residential or commercial building which would increase the load on an individual or private sewage disposal system, the owner



shall obtain a permit from a health officer or building inspector. Application for such permit shall include:

(a) Evidence that the existing sewage disposal system meets the standards of the water supply and pollution control commission for the intended use or the town's minimum standards for use or occupancy prescribed under RSA 48-A:11, whichever is more stringent; or

(b) The design and bond for a new system which meets the standards of the water supply and pollution control commission for the intended use or the town's minimum standards for use or occupancy, whichever is more stringent; or

(c) Evidence that the residential or commercial building unit's sewage disposal system is connected to a sanitary sewer system.

III. Municipalities shall designate a health officer or building inspector to inspect and investigate sewage disposal systems, to approve or disapprove permits, and to enforce repair of the system. The health officer or building inspector shall set standards which are no less stringent than water supply and pollution control commission standards determining the adequacy of sewage disposal systems to be approved by the governing body of the municipality.

147:17-e Increased Load on Sewage Disposal System.

I. Municipal officials shall determine when substantial expansion, extension or intensification of use has taken place so as to cause an increased load on the sewage disposal system. In making a determination, the designated official may consider, but is not limited to:

(a) Whether the residential or commercial building is occupied for more than 120 days per year;

(b) Any modifications made to make the residential or commercial building habitable year-round;

(c) Significant additions to the residential or commercial building;

(d) The filing of residency by the owner in the town where the residential or commercial building is located;

(e) Placement of the children of the owner of the residential or commercial building in local schools; and

(f) Any other evidence which the official deems significant.

II. Municipalities may survey and inventory the use of residential or commercial buildings and the carrying capacity of the land. The municipality shall use information from the city or town conservation commission pursuant to RSA 36-A:2, the planning board master plan as provided under RSA 36:13, and any other suitable source of information in order to determine whether substantial expansion, extension, or intensification of the use of a residential or commercial building has resulted in an increased load on the sewage disposal system.

147:17-f Appeals. Any person aggrieved by any decision of the municipality concerning a sewage disposal permit may appeal the decision to the board of

adjustment, the board of selectmen, or board of appeals as the municipality shall specify. The designated board may grant a conditional permit for not more than one year if the sewage disposal system is shown to be adequate under the circumstances. Municipalities may adopt the appeal procedures prescribed in RSA 36:26 or RSA 36:31, 36:32, and 36:33.

147:17-g Permit Fee. The governing body of the municipality shall set reasonable fees for sewage disposal permits. Such fees shall be collected and deposited in the contingency fund established pursuant to RSA 31:4, XLVI and expended by the municipal public health officer or building inspector to implement the purposes of this subdivision.

147:17-h Inspection. Pursuant to RSA 147:1, the health officer or the building inspector pursuant to RSA 156 subject to approval of the city or town shall make regulations for the inspection of sewage disposal systems. Such systems may be inspected without cause every 5 years or, pursuant to RSA 147:3, when the health officer or building inspector knows or has reason to suspect that any nuisance or other thing injurious to the public health exists.

147:17-i Penalty. After receiving written notice to repair a faulty or inadequate disposal system, any person neglecting or refusing to comply with provisions of RSA 147:17-c through 147:17-h shall be guilty of a violation for each day that he fails to obtain a permit.

147:17-j Incorporation in Building Code. Municipalities which adopt a building code under RSA 156-A shall incorporate the provisions of this subdivision in the powers of a building inspector.

5 New Subdivision. Amend RSA 147 by inserting after section 17-j the following new subdivision heading:

Miscellaneous Sanitation Provisions

6 Appropriations for Faulty or Inadequate Sewage Systems. Amend RSA 31:4, XLVI (supp) as inserted by 1971, 310:1 by striking out said paragraph and inserting in place thereof the following:

XLVI. FAULTY OR INADEQUATE SEWAGE SYSTEMS. To provide a contingency fund to meet the cost of repairing faulty or inadequate private sewage disposal systems, to be expended by the municipal public health officer or building inspector. A detailed report of all expenditures made by him from the fund shall be published in the municipal report.

7 Effective Date. This act shall take effect 60 days after its passage.

HB 539, limiting the use of power boats on Clark pond in the town of Canaan. Refer for Interim Study.

The Committee feels that the issue of limiting the horsepower of boats on public water bodies needs further study. Not only will the specific problems on Clark Pond be addressed, but criteria will be developed to deal with similar problems in the future. Vote 17-2. Rep. Howard C. Dickinson, Jr. for Resources, Recreation and Development.

HB 549-FN, transferring ownership of certain state-owned dams to the water resources board. Refer for Interim Study.

This bill would have conveyed essentially all state-owned dams to the Water Resources Board for the maintenance, repair and restoration. While the purpose of the bill was an acceptable concept, it is now clear that there are still some important problems to be resolved; thus the Committee feels that further study is needed. Vote 17-0. Rep. Douglas R. Woodward for Resources, Recreation and Development.

HB 692-FN, requiring the water supply and pollution control commission to charge such amounts for certain inspections to enable such functions to be self supporting. Inexpedient to Legislate.

While the Committee finds the concept of user fees valid under certain circumstances where the real costs can be clearly identified, the problem addressed in the bill has been solved by HB 500. Vote 16-1. Rep. Howard C. Dickinson, Jr. for Resources, Recreation and Development.

HJR 3, to authorize a more comprehensive program to conserve the water resources of the state. Ought to Pass with Amendment.

This Resolution recognizes the fact that the water resources of the state are vital to the welfare of its people and provides that the matter must receive more resolute action by the General Court. The report of the Water Supply Policy Commission dated February, 1981, is accepted as an important step in the continuing process of conserving this most precious resource. Vote 18-0. Rep. Douglas R. Woodward for Resources, Recreation and Development.

#### Amendment

Amend the resolution by striking out all after the title and inserting in place thereof the following:

Whereas, the surface waters and ground waters of the state are integrated and comprise a public resource to be conserved, protected, allocated and otherwise managed for the public good; and

Whereas, the proper utilization of the public waters of this state requires a full knowledge of their occurrence and quality; and

Whereas, the protection of these water resources requires increased diligence by both public and private organizations; and

Whereas, it has been demonstrated that certain sections of the state are facing increasing difficulty and expense in finding adequate sources of water of suitable quality for water supplies; and

Whereas, the New Hampshire water supply policy commission, responding to the general court's directive of 1979, has identified important unresolved issues in the area of the water supply programs of the state; and

Whereas, the issues identified are now of increasing urgency; and

Whereas, the recommendations of this commission deserve further consideration; now, therefore, be it

Resolved by the Senate and House of Representatives in General Court convened;

That the general court recognizes the need for more comprehensive and resolute action by the state to conserve the water resources of the state; and hereby supports the development of a comprehensive New Hampshire state water resources management program, and urges that particular attention should be given in developing this program to the report dated February 1, 1981 of the New Hampshire water policy commission, its recommendations regarding ground water information, law and protection and the need identified to determine priority water uses and a water resources allocation plan.

Be it further resolved that continuing oversight by the general court is needed in developing water policy and management guidelines and that the house resources, recreation and development committee and the senate development, recreation and environment committee are hereby encouraged and authorized to work during the interim session to develop appropriate recommendations on these matters and that all appropriate state agencies are directed to render assistance to those committees in their efforts.

HB 734-FN, to require reporting of certain nuclear accidents to state and local authorities. Ought to Pass with Amendment.

The Committee determined that while it was appropriate for the licensee of a nuclear reactor to report significant events to the proper authority the bill confused and circumvented the communications network currently in place. The amendment puts the licensee in compliance with the Nuclear Regulatory Commission requirements. Vote 10-0. Rep. John E. Burns for Science and Technology.

#### Amendment

Amend RSA 125:65-a, I as inserted by section one of the bill by striking out same and inserting in place thereof the following:

I. Each licensee of a nuclear powered reactor shall comply with the reporting requirements for significant events contained in the regulations of the Nuclear Regulatory Commission.

HB 742, relative to solar and wind energy and alternative energy sources. Ought to Pass with Amendment.

The bill, as amended, encourages energy efficient patterns of development, provides solar access in sub-division development, establishes solar equipment warranties and a standard form for solar sky space easements. Vote 7-1. Rep. M. Arnold Wight, Jr. for Science and Technology.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

relative to solar energy and alternative energy sources.

Amend the bill by striking out all after section 3 and inserting in place thereof the following:

4 Solar Warranties; New Chapter. Amend RSA by inserting after chapter 358-G the following new chapter:

CHAPTER 358-H  
SOLAR EQUIPMENT WARRANTIES

358-H:1 Definition of Solar Energy Equipment. In this chapter "solar energy equipment" means all controls, tanks, pumps, heat exchangers, collectors and all other equipment necessary for the collection, transfer and storage of solar energy, as determined by the secretary of state. Passive solar energy systems or those systems using natural means to collect, store and transfer solar energy shall not be included under this chapter.

358-H:2 Rulemaking; Express Warranty.

I. The secretary of state after consulting with the consumer protection division in the office of the attorney general shall adopt rules, pursuant to RSA 541-A, relative to an express warranty for the sale and installation of solar energy equipment in this state.

II. Provisions for required express warranties shall, at a minimum, include the following:

(a) A 5 year manufacturer's express warranty against defects in materials or manufacture of solar collectors;

(b) A one year warranty against failure of a system based on solar energy, when the failure is the result of improper installation; and

(c) Those implied warranties established under RSA 382-A:2-314 and RSA 382-A:2-315.

358-H:3 Penalty. Any person who does not provide a purchaser of solar energy equipment with a minimum warranty as required in rules adopted by the secretary of state shall be guilty of a misdemeanor.

5 Solar Easements Authorized. Amend RSA 477 by inserting after section 48 the following new subdivision:

Solar Skyspace Easements

477:49 Definitions. As used in this subdivision:

I. "Solar energy" means radiant energy, whether direct, diffuse, or reflected, received from the sun at wavelengths suitable for conversion into thermal, chemical, or electrical energy.

II. "Solar energy collector" means part or all of a device or structure used to transform solar energy into thermal, chemical, or electrical energy and any space or structural components of a building specifically designed to retain heat derived from solar energy.

III. "Solar skyspace" means the space between a solar energy collector and the sun which must remain unobstructed in

order to permit sufficient solar energy to the collector for thermally efficient operation.

IV. "Solar skyspace easement" means a limitation, whether or not stated in the form of a restrictive easement, covenant, or condition, in any deed or other instrument executed by or on behalf of the landowner described in the deed or instrument creating and preserving a right to unobstructed access to solar energy.

477:50 Creation of a Solar Skyspace Easement.

I. A solar skyspace easement may be acquired and transferred and shall be recorded in the same manner as any other conveyance of an interest in real property. The easement shall run with the land benefited and burdened and shall terminate upon the conditions stated in the instrument creating the easement or upon court decree based upon abandonment or changed conditions or as provided in RSA 477:26.

II. An instrument creating a solar skyspace easement shall include, but not be limited to:

(a) A description of the vertical and horizontal angles, expressed in degrees and measured from the site of the solar energy system, at which the solar skyspace easement extends over the real property subject to the solar skyspace easement, or any other description which defines the 3 dimensional space, or the place and times of day in which an obstruction to solar energy is prohibited or limited;

(b) Terms or conditions under which the easement is granted or shall be terminated;

(c) Provisions for compensation of the benefited landowner in the event of interference with the enjoyment of the easement or compensation of the burdened landowner for maintaining the easement; and

(d) A description of the real property subject to the solar skyspace easement and a description of the real property benefiting from the solar skyspace easement.

III. A solar skyspace easement shall not terminate within 10 years after its creation unless an earlier termination is expressly stated in the instrument or is otherwise negotiated by the owners of the benefited and burdened land. The easement may be enforced by proceedings in equity and by actions at law for damages.

477:51 Statutory Form of Solar Skyspace Easement. A recorded instrument in the following form shall be sufficient to create a solar skyspace easement. The authorization of this form shall not preclude the use of other forms for the creation of a solar skyspace easement.

(Form for solar skyspace easement)

\_\_\_\_\_, of \_\_\_\_\_ county,  
state of \_\_\_\_\_,  
for consideration paid, hereby conveys,  
grants, and warrants to \_\_\_\_\_,  
of \_\_\_\_\_ county, state of \_\_\_\_\_,  
a negative easement to  
restrict, in accordance with the following

terms, the future use and development of the real property of grantor recorded in registry of deeds, vol. , page . The solar energy collector for which solar skyspace is to be protected is on the real property of grantee, which is recorded in registry of deeds, vol. , page , at the following locations:

The boundaries of the solar skyspace for the solar collector of grantee are as follows: (Description of boundaries with reference to applicable survey map, if any,)

(Alternative A)

No structure, vegetation, activity, or land use of grantor except utility lines, antennas, wires, and poles shall cast a shadow on a solar energy collector of grantee during the times specified unless such structure, vegetation, activity, or land use exists on the effective date of this easement and is not required to be removed or is excepted by the terms of this instrument. A shadow shall not be cast from 3 hours before noon to 3 hours after noon from September 22 through March 21 and from 4 hours before noon to 4 hours after noon from March 22 to September 21, all times being eastern standard time.

(or)

(Alternative B)

No structure, vegetation, activity, or land use other than those which exist on the effective date of this easement and which are not required to be removed or are excepted by the terms of this instrument shall penetrate the airspace at a height greater than over the real property of grantor.

Burdens and benefits of this easement are transferable and run with the land to subsequent grantees of the grantor and the grantee. This solar skyspace easement shall remain in effect until use of the solar energy collector is abandoned, provided it shall remain in effect for a period of at least 10 years, or until the grantee and grantor or their successors in interest terminate it. The solar energy terms used in this instrument are defined in RSA 477:49. The survey map depicting the affected properties and the boundaries of the protected areas of solar skyspace is incorporated by reference as part of this instrument.

Witness hand this day  
of , 19

Witness:

(Here add acknowledgment)

6 Effective Date. This act shall take effect 60 days after its passage.

HR 30, expressing the sense of the general court that the Price-Anderson Act, as amended, must be further amended, as soon as possible, to provide offsite financial protection to the general public, and to the counties, cities, towns, and other civil divisions of government, including state governments, in accordance with the latest Nuclear Regulatory Commission estimates of the financial consequences of nuclear power reactor accidents, and that the Price-Anderson Act must under no circumstances be repealed, or allowed to expire, but be renewed as amended before its expiration date. Ought to Pass with Amendment.

The Committee determined that while it was essential that the people of New Hampshire be protected from the financial consequences of a nuclear accident, some of the claims made in paragraph 3 were not substantiated by fact and therefore the paragraph was removed. Vote 11-0. Rep. John E. Burns for Science and Technology.

Amendment

Amend the resolution by striking out the fifth and sixth paragraphs after the title.

HB 405, relative to the form of ballots for state general elections. Ought to Pass with Amendment.

It was the unanimous vote of the Committee to create consistency in the form of general election ballots. Vote 9-0. Rep. Holly Abrams for Statutory Revision.

Amendment

Amend the bill by striking out all after section 6 and inserting in place thereof the following:

7 Amending Straight Party Ticket. Amend RSA 659:18 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

659:18 Straight Ticket Voting in State General Elections. The secretary of state shall provide on the general election ballot a space, on the top of the ballot and to the right of the column listing the candidates by office, which permits a voter in a state general election to vote a straight party ticket. There shall be printed in the space provided in large, plain letters the name of the political parties by which the candidates in the office column were nominated. Above the party designations on this part of the ballot shall be printed a circle not less than 3/4 of an inch in diameter and, below such circle, shall be the following words printed in plain letters: "To vote for all candidates of this party make a cross (X) within this circle". The voter may then vote a straight party ticket by making a cross (X) in the circle above the appropriate party designation. If he desires to vote for a candidate whose name is not printed in the column which lists the candidates by office, he shall erase or cancel the name of the candidate in such column for whom he refuses to vote and may vote for the candidate of



his choice by making a cross (X) in the square beside the name of such candidate or by writing in the name of the person for whom he desires to vote in the blank for write-in votes, as provided in RSA 656:12.

8 Counting Straight Party Votes. Amend RSA 659:66 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following

659:66 Counting Straight Party Vote.

If, in accordance with RSA 659:18, a ballot is marked to indicate a straight party vote, but the name of a candidate for an office in the column listing the candidates by office is erased or cancelled and a cross is in the square beside the name of another candidate for that office in the column, or the name of a person is written in the write-in blank in the right-hand column corresponding to the office, then the vote so marked in the square or so written in the write-in blank shall be counted and a vote shall not be counted for the candidate whose name is erased or cancelled.

9 Amending General Election Ballot When Counting Votes for Candidates Nominated by More than One Party. Amend RSA 659:68, I (supp) as inserted by 1979, 436:1 by striking out said paragraph and inserting in place thereof the following:

1. If a candidate is nominated by more than one party and his name appears on the state general election ballot more than once, and if the number of candidates for an office voted for on an individual ballot in question does not exceed the number of officers elected, then the ballot shall be counted as follows:

(a) If the candidate has votes under more than one party label for the same office, then one vote shall be counted for the candidate and credited to the party of which the candidate is a member.

(b) If the candidate has a write-in vote and a vote under the party label of the party of which he is a member, then one vote shall be counted for the candidate and credited to the party of which he is a member.

(c) If the candidate has a write-in vote and a vote under the party label of which he is not a member, then one vote shall be counted for the candidate and credited to the party under the party label of which the vote was cast.

10 Repeal. The following are hereby repealed:

I. RSA 656:9, relative to party designation;

II. RSA 656:10, relative to straight ticket party circle;

III. RSA 656:11, relative to party emblems.

11 Effective Date. This act shall take effect 60 days after its passage.

HB 545, relative to party committees. Ought to Pass.

This establishes the county party committees as the appropriate committees to submit names to fill ballot vacancies for county offices and House Representatives. This clears up confusion when local party committees exist. Vote 9-0. Rep. Eleanor H. Stark for Statutory Revision.

HB 552, making ballots defective for having distinguishing marks. Inexpedient to Legislate.

The Committee felt this bill was unnecessary. Vote 11-0. Rep. George S. Lemire for Statutory Revision.

HB 556, relative to prohibitions that take effect after a declaration of candidacy or a declaration of intent. Ought to Pass. New Hampshire is a two party system. This bill prohibits a candidate who loses a party race to file otherwise. Vote 10-0. Rep. Robert E. Barber, Jr. for Statutory Revision.

HB 557, relative to recount procedures. Ought to Pass with Amendment.

This bill shortens the length of time a candidate may file for a recount and changes the method of notifying the candidate. Vote 10-0. Rep. George E. Lemire for Statutory Revision.

#### Amendment

Amend the bill by striking out section one and inserting in place thereof the following:

1 Declaration of Purpose. The general court hereby declares that in order to make recounts for state general elections as fair and as equitable as possible, it shall be the policy of this state to give the candidates involved in a recount the proper notice which is sufficient to advise them of the date when a recount will occur and the place at which it will be held.

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Change in Notice for Recount. Amend RSA 660:4 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

660:4 Time and Notice. Upon satisfactory application for a recount as provided in RSA 660:1, the secretary of state shall appoint a time for the recount not later than 21 days after receipt of the application. A recount shall take place at any suitable state facility in the city of Concord as may be designated by the secretary of state. The secretary of state shall give a minimum of 3 days notice thereof to the applicant and to each of the opposing candidates. The secretary of state shall also prepare and distribute to the applicant and to each of the opposing candidates the rules and procedures governing the recount at the same time notice of the time and place for holding the recount is given to the applicant and to each opposing candidate.

HB 558, relative to overseas voters. Ought to Pass with Amendment.

This bill makes New Hampshire voting laws on overseas voting like federal regulations. Vote 10-0. Rep. Virginia K. Lovejoy for Statutory Revision.

#### Amendment

Amend RSA 657:22 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

657:22 Cutoff. In any state election, a town or city clerk shall not accept any completed armed services or federal overseas citizens absentee ballots delivered to him by any means after 5:00 p.m. on election day. All other absentee ballots shall not be accepted after 5:00 p.m. on the day immediately prior to election day. Ballots received after such times shall be retained by the clerk unopened until the time set for the destruction of other state election ballots as provided in RSA 659:100 at which time the envelopes shall likewise be destroyed, unopened and unexamined.

HB 564, requiring runoff elections in primaries when no one candidate for the office of governor, councilor, United States senator, or United States representative receives a majority of the vote. Inexpedient to Legislate.

Cost factors to require a second primary election is projected in excess of \$300,000. The Committee felt this excessive and unnecessary. Vote 10-0. Rep. Joseph F. Duggan for Statutory Revision.

HB 580, making it a crime to make a false statement about a candidate. Inexpedient to Legislate.

The Committee felt that there is a mechanism to cover the situation. Vote 11-0. Rep. Debora A. Ahern for Statutory Revision.

HB 587, making "New Hampshire Naturally" an honorary state song and making the white tail deer the state animal. Ought to Pass.

The Committee was in full support of adopting "New Hampshire Naturally" as an honorary state song and the white tail deer as the state's official animal. Vote 11-0. Rep. Geraldine S. Bangs for Statutory Revision.

HB 589, requiring declarations of candidacy for candidates for the office of president and vice-president. Ought to Pass.

The Committee feels this will reduce the harassment voters received in previous presidential elections. Vote 9-1. Rep. Holly Abrams for Statutory Revision.

HB 623, permitting voting as an independent in a state primary election. Inexpedient to Legislate.

The Committee decided the present two party system affords opportunity to everyone to participate and avoids independents from voting in a weak candidate of a particular party. Vote 10-1. Rep. Joseph F. Duggan for Statutory Revision.

HB 697-FN, relative to emergency interim successors under the emergency interim succession act. Ought to Pass.

This bill was requested by the Secretary of State as a cost saving measure. Vote 10-0. Rep. Geraldine S. Bangs for Statutory Revision.

HB 701, eliminating the requirement that the secretary of state send copies of RSA 665 relative to political expenditures and

contributions to candidates in primary and general elections. Inexpedient to Legislate.

Since these laws currently are mailed out with the required notification which goes to all candidates this bill would not be cost saving. Vote 10-0. Rep. Eleanor H. Stark for Statutory Revision.

HB 736, relative to absentee voting for school district elections. Ought to Pass with Amendment.

This bill makes it easier for the school district clerk to perform his job and make it easier for voters to register. Vote 10-0. Rep. Walter K. Robinson for Statutory Revision.

#### Amendment

Amend the bill by striking out section one and inserting in place thereof the following:

1 Absentee Ballots; Town and School District Elections. Amend RSA 671:21 (supp) as inserted by 1979, 321:1 by striking out said section and inserting in place thereof the following:

671:21 Absentee Voting.

I. A school district shall provide for absentee voting in the same manner as towns as provided in RSA 669:26-669:29 except that all duties performed therein by the town clerk shall be performed by the school district clerk.

II. Notwithstanding the provisions of paragraph I, if any school district votes to elect its district officers by separate ballot at the town election as provided in RSA 671:22, II, then for either the town election or the school district election an application for an absentee ballot shall be sufficient in order to receive an absentee ballot for both the town election and the school district election. If a town adopts the provisions of RSA 671:22, II, all forms relative to applications for absentee ballots, all absentee ballots, and all returns of absentee ballots shall be made only available at and only returnable to, as applicable, the office of each town clerk of each town comprising the school district.

III. Each town clerk shall make facilities in his office available for the school district clerk to perform his school district functions in connection with absentee voting. It shall be the duty of the school district clerk to post a notice at his office informing voters that all absentee voting procedures for school district elections shall be handled only through the town clerk's office.

HB 737, relative to the election of representative to the general court from the city of Concord. Ought to Pass with Amendment.

The redistricting plan has the unanimous support of the Concord Delegation. Vote 11-0. Rep. Lawrence J. Sullivan for Statutory Revision.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:



## AN ACT

relative to the election of representatives to the general court and the election of delegates to state party conventions from the city of Concord.

District No. 13	Concord	Ward A	1
District No. 14	Concord	Ward B	1
District No. 15	Concord	Ward C	1
District No. 16	Concord	Ward D	1
District No. 17	Concord	Ward E	1
District No. 18	Concord	Ward F	1
District No. 19	Concord	Ward G	1
District No. 20	Concord	Ward H	1
District No. 21	Concord	Wards A through H	5

2 Delegates to State Party Conventions from Concord. Amend RSA 662:6, VII (supp) as inserted by 1979, 436:1 as amended by striking out the delegates for Concord and inserting in place thereof the following:

Concord	Ward A	2
Concord	Ward B	2
Concord	Ward C	2
Concord	Ward D	2
Concord	Ward E	2
Concord	Ward F	2
Concord	Ward G	2
Concord	Ward H	2

3 Official Map. An official map showing the boundaries of the wards of the city of Concord shall be filed in the office of the Concord city clerk and in the office of the secretary of state.

4 Application. The changes in state representative district lines for the city of Concord established by this act shall not affect constituencies or terms of office of representatives presently in office. The representative districts established by this act shall be in effect for the purpose of electing representatives to the general court at the 1984 state general election. If there shall be a vacancy in a representative district in Concord for any reason prior to the 1984 state general election, the vacancy shall be filled by and from the same representative district that existed for the 1982 state general election. No provision of this act shall affect in any manner any of the proceedings of the membership of the house of representatives of the general court that assembled for a biennial session in January, 1983.

5 Effective Date. This act shall take effect upon its passage.

HB 777, relative to voter registration. Refer for Interim Study.

The Committee feels there should be an in-depth study and report of this bill. Vote 9-1. Rep. Virginia K. Lovejoy for Statutory Revision.

HB 581, to amend the reckless driving statute. Inexpedient to Legislate.

This bill would eliminate the provisions in the reckless driving statute which makes a person convicted of reckless

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 State Representative Districts for Concord. Amend RSA 662:5, VII (supp) as inserted by 1979, 436:1 as amended by striking out the districts for Concord and inserting in place thereof the following:

driving from which the death of another person occurs guilty of a class B felony. This offense is punishable in RSA 630 as manslaughter. The Committee felt both provisions should be available for use for law enforcement. Vote 16-0. Rep. Edward J. Crotty for Transportation.

HB 720-FN, relative to adopting the federal numbering system for all watercraft 15 feet and over in length and imposing a water use permit fee. Refer for Interim Study.

This is a very lengthy bill with some merit, but there are ramifications which could not be sorted out in the limited time allotted to the Committee. Vote 15-0. Rep. Roger R. Stork for Transportation.

HB 748-FN, increasing boat registration fees, providing for the registration of sail boats; transferring the unrefunded gas tax for marine use to safety services and providing a restricted fund for boating safety enforcement. Refer for Interim Study.

This bill increases the fees on some watercraft and sets up a special account for the promotion of the safety of navigation. It would affect the revenues in the general fund and in municipalities. Uncertainties of the effect is such that it needs further study before passage and could be incorporated with HB 720-FN, Vote 15-1. Rep. Roger Stewart for Transportation.

HB 482-FN, increasing certain fees charged by the department of safety. Inexpedient to Legislate.

The Committee felt this bill contains many sections already covered in the Governor's budget and which are also being addressed by other bills still in committee. Vote 17-0. Rep. Susan J. Lawrence for Ways and Means.

## RECESS

## AFTER RECESS

The Speaker introduced Rick Shaw of the Shaw Brothers, who entertained the House with his song "New Hampshire Naturally."

NEW HAMPSHIRE NATURALLY  
by Rick Shaw

There's a place I know  
Where the purple lilacs grow,  
And the sparkling rivers rush down to the sea;  
Where snow-capped mountains rise  
High into the clear blue sky,  
And the seasons come and go so naturally.

Oh, New Hampshire,  
New Hampshire is where I want to be;  
Oh, New Hampshire,  
I love New Hampshire, naturally.

Oh, I love her in the spring  
When the birds begin to sing,  
In the winter and the good ol' summertime;  
But I think it's in the fall  
That I love her most of all,  
New Hampshire's always somewhere in my mind.

Oh, New Hampshire,  
New Hampshire is where I want to be;  
Oh, New Hampshire,  
I love New Hampshire, naturally.

As I sail upon a breeze  
feel the earth beneath my skis,  
Paddle down a stream or cast a fly;  
Wander through a village square,  
Breathe the cool, clear mountain air.  
I know how it feels to be New Hampshire high.

Oh, New Hampshire,  
New Hampshire is where I want to be;  
Oh, New Hampshire,  
I love New Hampshire, naturally.

Reps. Rounds and Spirou moved that Rick Shaw's song be printed in the House Journal. Adopted.

COMMITTEE REPORTS (cont.)  
(Regular Calendar)

HB 567, relative to service station dealers. Ought to Pass with Amendment. The amendment is the deletion of two sections of the bill. One deletion of prohibitions that would restrain trade; the other deletion of a filing requirement that would actually mean nothing. The remainder of the bill is

the same as passed by this Committee and the House at the last session. It was caught in the changeover and was sent to interim study by the Senate due to time constraints. Vote 8-5. Rep. Lawrence J. Guay for Commerce, Housing and Consumer Affairs.

## Amendment

Amend the new subdivision of RSA 339-C as inserted by section 2 of the bill by striking out sections 339-C:22 and 339-C:23 and by renumbering the original section 339-C:24 to read as 339-C:22.

Amendment adopted.  
Ordered to third reading.

HB 818, relative to group legal insurance. Ought to Pass.  
This bill allows any insurance company, properly licensed in New Hampshire by the Insurance Commissioner, to transact legal services insurance for either individuals or groups. The Department of Insurance has stated that there is no problem with this bill. Vote 8-3. Rep. C. Dana Christy for Commerce, Housing and Consumer Affairs.

Ordered to third reading.

HB 691-FN, providing for the calling of a constitutional convention and making an appropriation therefor. Ought to Pass with Amendment.

This bill provides the appropriation for the 1984 Constitutional Convention which has been mandated by vote of the people. The amendment increases the original funding figure to a more realistic one. Vote 11-0. Rep. Russell C. Chase for Constitutional Revision.

<u>November 2, 1982</u>	<u>Question #1</u>	
	<u>Yes</u>	<u>No</u>
Belknap	5,966	5,064
Carroll	5,022	4,115
Cheshire	7,922	6,207
Coos	3,874	4,072
Grafton	8,079	7,227
Hillsborough	31,241	31,145
Merrimack	13,583	13,362
Rockingham	23,787	21,394
Strafford	11,248	8,704
Sullivan	4,629	3,737
TOTALS	115,351	105,027

## Amendment

Amend the bill by striking out section 4 and inserting in place thereof the following:  
4 Appropriation. The sum of \$400,000 is hereby appropriated for paying the expenses of the convention provided for in this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Amendment adopted.  
Referred to Appropriations.

CACR 12, relating to personal income tax. Providing that all proceeds, less the cost of collection and administration, shall be distributed to municipalities, school districts and counties. Inexpedient to Legislate.

The Committee feels the Constitution is not the proper place for what is essentially tax law. The proposal would appear to be trying to make the idea of a broad base tax more acceptable. Vote 10-0. Rep. Russell Chase for Constitutional Revision.

Report adopted.

CACR 14, relating to personal income tax. Providing that all proceeds in excess of the cost of collection and administration be distributed to towns and cities. Inexpedient to Legislate.

The Committee feels CACR 14 is tax legislation and belongs in the statutes. It also appears to be trying to make the idea of a broad based tax more acceptable. Vote 7-2. Rep. Russell C. Chase for Constitutional Revision.

Report adopted.

CACR 16, relating to succession to the office of governor. Providing that there shall be a lieutenant governor, who shall become governor when the office of governor becomes permanently vacant, and who shall act as governor when that office is temporarily vacant, and providing that every other designated successor to the office of governor shall, in turn, become governor if the offices of governor and lieutenant governor are both permanently vacant or act as governor when the offices of governor and lieutenant governor are temporarily vacant. Inexpedient to Legislate.

The Constitution already provides an orderly line of succession and such ceremonial duties that the governor cannot attend can easily be covered by members of the council or the legislative leadership. The Committee feels the addition of a new political office at this time is an unnecessary cost at a time when frugality should be of prime consideration. Vote 10-0. Rep. Eleanor H. Stark for Constitutional Revision.

Report adopted.

CACR 17, relating to application of state lottery revenues. Providing that all state lottery revenues shall be distributed to the school districts of the state and used exclusively for educational purposes. Inexpedient to Legislate.

CACR 17 is clearly tax legislation and belongs in the statutes, not the Constitution, which should be made up of broad principles and as free of specifics as possible. Vote 10-0. Rep. Joseph F. Duggan for Constitutional Revision.

Report adopted.

CACR 19, relating to compensation of the general court. Providing that said compensation, other than reimbursement for mileage, be eliminated. Inexpedient to Legislate.

The effect of this proposal would be to allow the legislature to set its own salary which the Committee does not support. To remove the token \$200 payment and keep in the mileage provision which can be subject to controversy will not resolve any misconceptions the public may have about how much members of the General Court are paid. Vote 10-0. Rep. Joseph F. Duggan for Constitutional Revision.

Rep. Lefebvre moved that the words, Refer for Interim Study, be substituted for the Committee report, Inexpedient to Legislate, spoke to his motion and yielded to questions.

Reps. Duggan and Joseph Eaton spoke against the motion.

Rep. Townsend moved the previous question. Sufficiently seconded. Adopted. Motion lost.

Report adopted.

Rep. Newman notified the Clerk that he wished to be recorded in favor of the motion, Refer for Interim Study.

HB 406-FN, relative to the age limits for special education. Refer for Interim Study.

The majority of the Committee feels that there are several ramifications, legal and otherwise, that require in-depth study. Vote 12-3. Rep. Rita M. Brack for Education.

Referred for Interim Study.

HB 800-FN, relative to tuition benefits for math, science, and industrial arts majors. Ought to Pass with Amendment. This bill authorizes the University System Trustees to enter into educational contracts, which may forgive tuition if the student becomes certified to teach and upon graduation does teach in the elementary or secondary system of the state. The subject matter must be in the field of Math, Science, Industrial Arts or Vocational Education. Vote 9-4. Rep. Joanne A. O'Rourke for Education.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT  
relative to tuition benefits for math, science, industrial arts, and vocational education majors.

Amend RSA 187-A:20-a as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

187-A:20-a Tuitions Waived for Teaching Service. The trustees of the university system may at their discretion enter into

contracts on behalf of the university system with any student who is planning to receive teacher certification in math, science, the industrial arts, or vocational education for the purpose of granting free tuition to that student in exchange for the student's agreement to teach the appropriate subject at a public or private school located in the state when he is certified. The contract shall require the student to repay the amount of the tuition waived plus interest if he does not teach as agreed.

Amend RSA 187-A:16, XIV-a as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

XIV-a. To enter into contracts with students for the purpose of exchanging a waiver of tuition for teaching service at a New Hampshire public or private school, pursuant to RSA 187-A:20-a, and to adopt rules, pursuant to RSA 541-A, relative to the terms and conditions of said contracts;

Amendment adopted.

Ordered to third reading.

HB 827, providing military recruiters access to schools and to directory information. Ought to Pass.

This bill simply states that whatever opportunities are offered to other groups shall be offered to the military. Vote 10-5. Rep. Howard F. Mason for Education.

Ordered to third reading.

HB 320-FN, creating a comprehensive recycling, solid waste disposal and litter control act. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: The Committee vote was 14-6 with 3 absentees, one of whom had requested he be recorded with the majority. The Committee did not find that the bill provided any incentive towards recycling and might in fact even encourage littering.

Revenues are produced by a value-added sales tax which is unfairly levied on many products that never become a litter problem. In addition, it is perfectly possible for a company filing a business profits tax report to be required to pay a tax, even though it makes no profit or may even have a loss.

There is no appropriation for either Revenue Administration or the State Department of Education, both of which would require money.

A nine member council is set up to assist the Chief of the Solid Waste Bureau in implementing the legislation. This is a possible complication since the Bureau already has one Advisory Board. Rep. Elizabeth A. Greene for the Majority of Environment.

MINORITY: The minority requests the House to adopt this minority report of ought to pass for the purpose of keeping this bill in the possession of the House. This bill would raise 2 million in revenue each year. \$500,000 would be for roadside pickup at the rate of \$50

per mile each year, every year for each town and city. This bill would provide over 1 million each year for grants to towns and cities for solid waste management, recycling programs, education and enforcement. This is the only bill in the House regarding roadside litter control and solid waste management.

By adopting this report, it will go to the Appropriations Committee and all of us will have an opportunity to see if the Senate is going to take action on any other similar bills. Give yourself more time to look at all of the options. Reps. Elmer L. Johnson, Ellen M. Cressy, Joseph B. Bowes, Irene J. Shepard, Harold E. Chisholm and Harry E. Flanders for the Minority of Environment and Agriculture.

Rep. Elmer Johnson moved that the report of the Minority, Ought to Pass, be substituted for the report of the Majority, Inexpedient to Legislate, and spoke to his motion.

Reps. Bowler and Greene spoke against the motion.

Rep. Kozacka spoke against the motion and yielded to questions.

Rep. Stork spoke in favor of the motion.

Rep. William Roberts spoke in favor of the motion and yielded to questions.

Rep. Townsend moved the previous question. Sufficiently seconded. Adopted.

Rep. Greene requested a roll call. Sufficiently seconded.

(Speaker presiding)  
YEAS 104 NAYS 236  
YEAS 104

BELKNAP: Matthew Locke.

CARROLL: Ashnault, Dickinson and Powers.

CHESHIRE: Boulter, Eugene Clark, Crane, David, Elmer Johnson, Perry and Scranton.

COOS: Coulombe, Guay, Horton, Langley, George Lemire, Oleson and Theriault.

GRAFTON: Christy, Driscoll, Easton, Logan, Mann, Walter, Weymouth and Whitcomb.

HILLSBOROUGH: Baker, Burkush, John Burns, Leslie Burns, Cronin, Crotty, William Dion, Donovan, Clyde Eaton, Fields, Galway, Walter Healy, Humphrey, Kaklamanos, Keefe, Knight, David Lemire, Martineau, Howard Mason, O'Rourke, Paradis, Quinn, Roy, Soucy, Stylianos, Mary Sullivan, John Wallace, Geraldine Watson, Harold Watson, Wells and M. Arnold Wight.

MERRIMACK: Laurent Boucher, Bowes, Mary Holmes, Arthur Locke, McDonnell, Doris Riley, William Roberts, Shepard, Gerald R. Smith and Stio.

ROCKINGHAM: Benton, Blaisdell, William Boucher, Burdick, Carpenito, Cressy, Day, Drake, Ellyson, Harry Flanders, Beverly Gage, Kane, Katsakiores, Roger King, Robert Mason, Nevins, Rosencrantz, Schwaner, Simon,

Sochalski, Stork, Sytek, Tavitian and Raymond Wood.

STRAFFORD: Banks, Bernard, Blouin, Chisholm, Couture, Donnelly, Flynn, Robert Jones and Pelley.

SULLIVAN: Carlson, Converse, Cutting and Gray.

#### NAYS 236

BELKNAP: Birch, Bolduc, Bowler, Dexter, Gary Dionne, French, Golden, Hardy, Robert Hawkins, Holbrook, Lamprey, Pearson, Randall, Sanders, David Whittemore and Zeckhausen.

CARROLL: Heath, Robert Holmes, Hraba, McIntire, Murphy and Saunders.

CHESHIRE: Barber, Daniel Eaton, Galloway, Gordon, Grodin, Hickey, Matson, David Meader, Michaelides, Miller, Robert Moore, Morse, Parker, Perkins, Margaret Ramsay, William Riley and William Sullivan.

COOS: Chappell, Chardon, Valliere and York.

GRAFTON: Blair, Chambers, Copenhaver, Croty, Densmore, Downing, Duggan, Girouard, Harnish, Hutchings, Michael King, Wayne King, LaMott, McAvoy, Rounds, Stewart and Taffe.

HILLSBOROUGH: Abrams, Debora Ahern, Richard Ahern, Ahrens, Bass, Bergeron, Boutwell, Carragher, Charbonneau, Cote, Craig, Duffett, Duprey, Durant, Joseph Eaton, Ford, Gagnon, Grasso, Grip, Harrington, George Hawkins, Head, Hendrick, Thomas Hynes, Jean, Kashulines, Katsiaticas, Robert Kelley, Labomarde, John Lawrence, Leclerc, Lefebvre, Levesque, Lynde, Lyons, McGlynn, Migneault, Morrisette, Nelson, Nickerson, Nute, Parmenter, Pressly, Raiche, Peter Ramsey, Reidy, Ellen-Ann Robinson, Russell, Silva, B.P. Smith, Leonard Smith, Spirou, Steiner, James Sullivan, Sylvia, Talbot, Tamposi, Turgeon, Vachon, Van Loan, Wagner, Roger Wallace, Ware, Emma Wheeler, Kenneth Wheeler, Robert Wheeler, Eleanor Whittemore, Winn, Lucille Wood and Zajdel.

MERRIMACK: Anderson, Bardsley, Bibbo, Cate, Samuel Clark, Daniell, Dean, Degnan, Cross, Jacobson, Kidder, Kinhan, Lewis, Mercier, Nichols, Pannell, Parrish, Phelps, Louise Roberts, Walter Robinson, Rogers, Savaria, Stark, Lawrence Sullivan, Underwood, Waliner and James Whittemore.

ROCKINGHAM: Ames, Bangs, Belanger, Beliveau, Blake, Blanchard, Blanchette, Butler, Campbell, Case, Cotton, Danderson, John Flanders, Thomas Gage, Greene, Hollingworth, John Hynes, Joslyn, Keenan, Glenden Kelley, Kozacka, Krasker, Leslie, LoFranco, Longworth, Lovejoy, Joseph MacDonald, Mace, Malcolm, William Moore, Newell, Newman, Palumbo, Pantelakos, Pevear, Popov, Quimby, Romoli, Scamman, Schmidtchen, Sherburne, Skinner, Sloan, Splaine, Tufts, Vartanian, Walker, Warburton, Webster and Woodward.

STRAFFORD: Appleby, Belhumeur, Bouchard, Chagnon, Chamberlin, Demers, Dingle, Albert Dionne, Fielding, Hamel, Mussey, Joos, Kincaid, Lussier, Francis Robinson, Sackett, Schreiber, Gerald L. Smith, Timm, Franklin Torr and Ralph Torr.

SULLIVAN: Brodeur, Flint, Ingram, Irwin, Paul Johnson, Palmer, Reney and Townsend, and the motion lost.

Resolution adopted.

Rep. Doris Riley notified the Clerk that she inadvertently voted nay and meant to vote yea.

HB 596-FN, relative to protection of towns, cities and counties from retroactive state billings. Ought to Pass with Amendment.

This bill will help counties get a better handle on welfare costs with a better cash flow. Vote 17-3. Rep. James B. Craig for Health and Welfare.

#### Amendment

Amend RSA 167:18-e as inserted by section one of the bill by striking out same and inserting in place thereof the following:

167:18-e Delinquent Payments.

Delinquent payments due under RSA 167:18-a and 167:18-b, with interest at the rate of 12 percent per year, may be recovered by action in a court of competent jurisdiction against the political subdivision liable therefor or may, at the request of the state agency, be deducted from any other moneys payable to such subdivision by any department or agency of the state; provided, however, that a political subdivision shall not be liable for any assistance granted to a person from that subdivision if the notice of payment is received by the subdivision more than 120 days after the date on which the assistance was paid or otherwise rendered to such person and was the subject of a properly registered dispute as to liability.

Amendment adopted.

Ordered to third reading.

HB 728-FN, relative to screening for long term care. Ought to Pass with Amendment.

This is a step in conserving the assets of the elderly and infirm by avoiding unnecessary placement in nursing homes. Vote 13-6. Rep. Eugene S. Daniell for Health and Welfare.

#### Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following: 2 Program Established. Amend RSA 161:2 by inserting after paragraph VI the following new paragraph:

VI-a. SCREENING PROGRAM. Develop and administer, by itself or through a designated agent, a pre-admission screening program for admission to intermediate care facilities or skilled nursing facilities, as defined in the state's plan for medical assistance. Such pre-admission screening shall be done only for persons who are



either eligible for medical assistance at the time of application to a facility or who may become eligible for medical assistance, pursuant to RSA 167:4, following application for admission to a facility. If a person is being transferred from one facility to another, a pre-admission screening report shall be made within 3 working days of a request for such a report by a physician. Medicaid payments for a person applying for intermediate or skilled level of care services shall be made only if the person has been evaluated through the pre-admission screening program.

Amendment adopted.

Ordered to third reading.

HB 671, increasing the time within which a personal injury action may be brought against an estate. Ought to Pass with Amendment.

This bill increases from 2 years to 6 years, the time within which an action for wrongful death may be brought. Vote 9-8. Rep. William H. Kennedy for Judiciary.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

increasing the time within which a wrongful death action may be brought by an administrator.

Amend the bill by striking out section 1 and inserting in place thereof the following: 1 Actions by an Administrator. Amend RSA 556:11 by striking out said section and inserting in place thereof the following:

556:11 New Action. If an action is not then pending, one may be brought for such cause at any time within 6 years after the death of the deceased party, subject to the provisions of RSA 508.

Amendment adopted.

Ordered to third reading.

HB 393, relative to the minimum wage for youths. Majority: Ought to Pass. Minority: Inexpedient to Legislate.

MAJORITY: This measure would allow payment of the minimum wage of \$3.35 per hour to ages 16 through 19. The 75% of minimum wage or \$2.51 per hour would apply to under 16 years of age. The existing exemptions in the law would still pertain. It is felt that minimum wage is fair and just for this age group who need such as an aid to college funds or to help their families. Vote 10-9. Rep. Wilfred Burkush for the Majority of Labor, Human Resources and Rehabilitation.

MINORITY: The minority feels that enactment of this bill would deny to teenagers summer and part-time jobs which will both keep them occupied and give them wages. The present law is adequate allowing for 75% of current

minimum wage and does not prevent youths from being paid more in proportion to their efforts, responsibilities and work experience. (Reps. John E. Webster, Avis B. Nichols, Jean H. Duffett, John W. Flanders, Calvin Warburton, William W. Moore, J. Arthur Tufts, Rita C. McAvoy for the Minority of Labor, Human Resources and Rehabilitation).

Rep. Tufts moved that the report of the Minority, Inexpedient to Legislate, be substituted for the report of the Majority. Ought to Pass, and spoke to his motion.

Rep. Skinner spoke against the motion and yielded to questions.

Reps. Demers, Carpenito and Robert Hawkins spoke against the motion.

Rep. Warburton spoke in favor of the motion.

Rep. Marilyn Campbell spoke to the motion.

Rep. Fields spoke in favor of the motion and yielded to questions.

Rep. Russell moved the previous question. Sufficiently seconded. Adopted.

Rep. Skinner requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 119 NAYS 198

YEAS 119

BELKNAP: Golden, Holbrook, Matthew Locke and David Whittemore.

CARROLL: Dickinson, Heath, Robert Holmes and Saunders.

CHESHIRE: Davis, Galloway, Grodin, Elmer Johnson, Robert Moore, Morse, Parker and Perry.

COOS: Chappell and Horton.

GRAFTON: Blair, Christy, Duggan, Easton, McAvoy and Stewart.

HILLSBOROUGH: Richard Ahern, Ahrens, Arris, John Burns, Leslie Burns, Charbonneau, Donovan, Duffett, Clyde Eaton, Fields, Gagnon, George Hawkins, Humphrey, Thomas Hynes, Jean, Keefe, Robert Kelley, Knight, Labombarde, Leclerc, Levesque, Martineau, Morrisette, Marjorie Peters, B.P. Smith, Leonard Smith, Stylianos, Tamosis, Van Loan, Ware, Geraldine Watson, Harold Watson, Wells, Emma Wheeler, Kenneth Wheeler, Eleanor Whittemore, M. Arnold Wight and Lucille Wood.

MERRIMACK: Bibbo, Bowes, Daniell, Degnan, Mary Holmes, Arthur Locke, Nichols, Doris Riley, Louise Roberts, Walter Robinson, Rogers, Savaria, Shepard, Gerald R. Smith, Stio and James Whittemore.

ROCKINGHAM: Bangs, Benton, Burdick, Butler, Campbell, Drake, Ellyson, Thomas Gage, Hollingworth, Joslyn, Roger King, LoFranco, Longworth, Malcolm, Robert Mason, William Moore, Nevins, Newell, Popov, Romoli, Schwaner, Sherburne, Stork, Sytek, Tufts, Walker, Warburton, Webster, Raymond Wood and Woodward.



STRAFFORD: Appleby, Chamberlin, Couture, Fielding, Hamel, Hussey, Robert Jones, Francis Robinson, Gerald L. Smith and Timm.

SULLIVAN: Cutting.

NAYS 198

BELKNAP: Bolduc, Dexter, Gary Dionne, French, Hardy, Robert Hawkins, Lamprey, Pearson, Sanders and Zeckhausen.

CARROLL: Ashnault, Hraba, Kenneth MacDonald, McIntire and Powers.

CHESHIRE: Barber, Boulter, Eugene Clark, Crane, Daniel Eaton, Gordon, Hickey, David Meader, Michaelides, Perkins, William Riley and William Sullivan.

COOS: Chardon, Coulombe, Guay, George Lemire, Theriault, Valliere and York.

GRAFTON: Chambers, Copenhaver, Crory, Densmore, Downing, Driscoll, Girouard, Harnish, Hutchings, Wayne King, Logan, Mann, Rounds, Taffe, Walter, Weymouth and Whitcomb.

HILLSBOROUGH: Abrams, Debora Ahern, Bass, Bergeron, Boutwell, Burkush, Carragher, Cote, Craig, Cronin, Crotty, William Dion, Dupont, Duprey, Durant, Joseph Eaton, Ford, Galway, Grasso, Grip, Harrington, Head, Walter Healy, Hendrick, Kaklamanos, Kashulines, John Lawrence, David Lemire, Roland Lemire, Lynde, Lyons, McGlynn, Migneault, Nelson, Nickerson, Nute, O'Rourke, Paradis, Parmenter, Pressly, Quinn, Raiche, Reidy, Ellen-Ann Robinson, Roy, Russell, Silva, Soucy, Spirow, James Sullivan, Mary Sullivan, Sylvia, Talbot, Turgeon, Vachon, Wagner, John Wallace, Roger Wallace, Robert Wheeler, Winn and Zajdel.

MERRIMACK: Allgeyer, Anderson, Bardsley, Cate, Samuel Clark, Dean, Jacobson, Kinhan, Lewis, McDonnell, Mercier, Pannell, Parrish, Phelps, Stark, Lawrence Sullivan, Underwood and Wallner.

ROCKINGHAM: Ames, Belanger, Beliveau, Blaisdell, Blake, Blanchard, Blanchette, William Boucher, Carpenito, Case, Cotton, Cressy, Danderson, Day, John Flanders, Beverly Gage, John Hynes, Katsakiores, Keenan, Glenden Kelley, Kozacka, Krasker, Lovejoy, Joseph MacDonald, Mace, McLane, Newman, Pantelakos, Pevear, Quimby, Rosencrantz, Simon, Skinner, Sloan, Sochalski, Splaine, Tavitian and Vartanian.

STRAFFORD: Banks, Belhumeur, Bernard, Blouin, Bouchard, Chagnon, Chisholm, Demers, Dingle, Albert Dionne, Donnelly, Flynn, Joos, Kincaid, Lussier, Pelley, Arnold Peters, Schreiber and Ralph Torr.

SULLIVAN: Brodeur, Carlson, Converse, Flint, Gray, Ingram, Irwin, Paul Johnson, Susan Lawrence, Roney and Townsend, and the motion lost.

Ordered to third reading.

HB 673-FN, amending the workmen's compensation law relative to scheduled

permanent impairment awards. Inexpedient to Legislate.

The problem this bill addresses is taken care of in an agreed bill of the Workmen's Compensation Council. Vote 12-1. Rep. J. Arthur Tufts for Labor, Human Resources and Rehabilitation.

Resolution adopted.

HB 414, to remove prohibitions against companion animals in housing for the elderly. Ought to Pass with Amendment.

The amendment eliminates most of the objections raised at the hearing. The Committee feels the bill has a worthy objective of providing for pet companionship in those projects where the majority of tenants so desire. Vote 12-4. Rep. Richard A. Grodin for Municipal and County Government.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

I New Subdivision. Amend RSA 167-A by inserting after section 29 the following new subdivision:

Companion Animals  
167-A:30 Definitions. In this subdivision:

I. "Animals" shall mean common domesticated household animals limited to: dogs, cats, caged birds, and aquarium fish.

II. "Housing for the elderly" shall mean public housing facilities financed by either the state or federal government to provide living accommodations for persons 60 years of age or older but shall not include nursing homes or high-rise apartment buildings.

167-A:31 Authority. Any housing for the elderly shall permit the tenants of each housing project upon petition of 10 percent of all the tenants to determine by a simple majority vote of those voting whether or not to allow the tenants in their building to have companion animals provided that a 6 month period lapses between votes and that a subsequent vote will not affect animals already on the premises which were permitted by a previous vote. If the vote permits tenants to maintain companion animals on the premises, the tenants shall adopt with input from building management rules relative to reasonable limitations and restrictions to be imposed for maintaining a companion animal that are not covered by RSA 167-A:33. Any complaints regarding a tenant's companion animal shall be handled in the same manner as any other tenant complaint and pursuant to the provisions of RSA 466:31.

167-A:32 Damage Deposit. If companion animals are permitted, tenants desiring to have them as pets shall put up, with the management of the building, a damage deposit which shall be a sum of money not to exceed 1-1/2 times the amount of a month's rent paid by the tenant.

167-A:33 Owner's Responsibility. The tenant owner of a companion animal shall have the following responsibilities:

I. To provide the management with a signed agreement with some person, or other legal entity, other than another tenant, that such person or legal entity shall act as a temporary or permanent caretaker for the companion animal if the owner cannot care for it, whether for a short period of time or permanently.

II. To provide the management with a veterinarian certificate stating that the animal is in good health.

III. To be totally responsible for the care and cleanliness of the companion animal both within the owner's building, on the building grounds, or on adjacent property.

IV. To be limited to no more than 2 companion animals per tenant, with the exception of aquarium fish.

V. To abide by any local ordinances that may affect the custody of certain companion animals.

2 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 698-FN, relative to fireworks.  
Inexpedient to Legislate.

The Committee felt that the existing fireworks statutes gave an adequate degree of protection in the handling and shipment of fireworks, and that additional statutes were not needed at this time. Vote 9-3. Rep. Jon H. Perkins for Public Protection and Veterans Affairs.

Resolution adopted.

HB 757, establishing a state fire code.  
Ought to Pass with Amendment.  
This legislation directs the State Fire Marshal to prepare a "state fire code" of broad applicability, for the protection of people from fire and fire hazards. The code may incorporate provisions of recognized codes as rules; the code will not supercede any local codes or regulations, which are not less restrictive than the code. The State fire code will be especially valuable to those communities which do not have their own codes and regulations. Vote 9-3. Rep. John J. Wallace for Public Protection and Veterans Affairs.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Rules. Amend RSA 153:5 (supp) as amended by striking out said section and inserting in place thereof the following:  
153:5 Rules. The state fire marshal shall adopt rules to be known as the state fire code, pursuant to RSA 541-A, to further the purposes of this chapter and such applicable fire safety and building laws, as he shall deem necessary for the protection from fire and fire hazards for people in the state and for the general welfare of property and people within the state. The rules may include, but not be limited to, the keeping, storage, use, manufacture,

sale, handling, transportation or disposal of highly flammable materials and rubbish, and of flammable fluids and compounds and flammable tablets and may include standards for the materials and construction of receptacles and buildings to be used for any of these purposes. The fire marshal may adopt provisions of the national fire protection association code or other recognized codes as rules, in whole or in part. The rules shall apply to the construction and remodeling of buildings and structures for the containment of flammable liquids and to the new installation and replacement of equipment used in connection with flammable liquids. The rules shall apply to existing buildings, structures or equipment. The fire marshal may exempt a building, structure or equipment from such rules if he finds that such exemption does not constitute a hazard to the public welfare and safety. A reasonable time, as determined by the state fire marshal, shall be allowed to make necessary alterations. Nothing in this section shall be construed to prevent municipalities from adopting bylaws or ordinances relative to a subject area of rules adopted by the fire marshal in accordance with this section if such bylaws or ordinances are no less restrictive than those adopted by the fire marshal.

Amendment adopted.

Ordered to third reading.

HB 526-FN, relative to energy conservation in new building construction.  
Ought to Pass with Amendment.

This bill, as amended, provides for the administration of the New Hampshire Energy Code by transferring these functions from the Governor's Council on Energy to the Public Utilities Commission. It also provides for the Commission to establish a schedule of fees to be assessed for services rendered under this chapter. Vote 7-1. Rep. M. Arnold Wight, Jr. for Science and Technology.

#### Amendment

Amend RSA 155-D:4, VII as inserted by section 5 of the bill by striking out same and inserting in place thereof the following:

VII. A document certifying compliance with the provisions of the New Hampshire energy code shall be submitted by the architect or engineer to the commission together with a fee established under RSA 155-D:10 and to the local building official in whose jurisdiction the building is to be erected.

Amend the bill by striking out section 9 and inserting in place thereof the following:

9 Rulemaking. Amend RSA 155-D by inserting after section 9 the following new section:

155-D:10 Rules. The commission shall adopt rules, pursuant to RSA 541-A, which:  
1. Establish a New Hampshire energy code and are otherwise necessary to carry out the provisions of this chapter.

II. Establish a schedule of fees to be assessed by the commission for services rendered under this chapter. The commission is authorized to establish a revolving fund into which it shall deposit the fees collected under this chapter. The commission, with the approval of the governor and council, shall be authorized to utilize the moneys from the revolving fund so created for the purposes of this chapter. Such moneys shall be in addition to any funds appropriated to the commission by the general court for administering this chapter.

Amend the bill by striking out section 11 and inserting in place thereof the following:

11 Effective Date. This act shall take effect upon its passage.

Amendment adopted.  
Ordered to third reading.

HB 725-FN, relative to limited electrical energy producers. Majority: Ought to Pass with Amendment. Minority: Refer for Interim Study.

MAJORITY: The bill, as amended, maintains the 5 megawatts limit in definition of "limited producer" or "limited electrical energy producer," sets a limit of 20 megawatts for a "small power production facility" and, at the option of the owner permits such facility to be exempt from property taxation if the owner enters into an agreement to make a payment in lieu of such taxes. It also permits the Public Utilities Commission to set long-term contract pricing. It also permits a limited electrical energy producer to elect the status of a public utility. Vote 6-3. Rep. M. Arnold Wight, Jr., for the Majority of Science and Technology.

MINORITY: The Minority feels that the Limited Electrical Energy Producers Act (LEEPA) of 1981 did not intend to establish the practice of setting long-term rates and contracts as this bill will allow. This drastic change in the intent of current legislation needs a more detailed analysis of the complex issues involved to insure that the consumer is best served. (Reps. Vincent J. Palumbo, Philip Labombard, Benjamin Newell for the Minority of Science and Technology.)

#### Amen dmen t

Amend RSA 362-A:1-a, III as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

III. "Limited producer" or "limited electrical energy producer" means a qualifying small power producer or a qualifying cogenerator, with a total capacity of not more than 5 megawatts.

Amend RSA 362-A:1-a, X as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

X. "Small power production facility" means a facility which produces electric energy solely by the use, as a primary energy source, of biomass, waste, renewable resources, or any combination thereof and which has a power production capacity which, together with any other facilities located at the same site, as determined by the commission, is not greater than 20 megawatts.

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 Exemption. Amend RSA 362-A:2 (supp) as inserted by 1978, 32:1 by striking out said section and inserting in place thereof the following:

362-A:2 Exemption of Limited Electrical Energy Producers. Limited electrical energy producers shall be exempt from all rules and statutes relative to electric utility rates or relative to the financial or organizational regulation of electric utilities. A limited electrical energy producer may elect to adopt the status of a public utility in accordance with the laws of the state.

3 Public Utility Purchases. Amend RSA 362-A:3 (supp) as inserted by 1978, 32:1 as amended by striking out said section and inserting in place thereof the following:

362-A:3 Purchase of Output of Limited Electrical Energy Producers by Public Utilities. The entire output of electric energy of such limited electrical energy producers, if offered for sale to the electric utility, shall be purchased by the electric public utility which serves the franchise area in which the installations of such producers are located.

4 Electric Rates; Disputes. Amend RSA 362-A:4 and 362-A:5 (supp) as inserted by 1978, 32:1 by striking out said sections and inserting in place thereof the following:

362-A:4 Payment by Public Utilities for Purchase of Output of Limited Electrical Energy Producers. Public utilities purchasing electrical energy in accordance with the provisions of this chapter shall pay prices per kilowatt hour to be set from time to time by the commission. The commission shall set rates to be in effect for a period of not less than one year. Such purchases shall be based on the purchasing utility's costs calculated for such period. The commission may set long term rates which shall, at the option of the limited producer, be based on the purchasing utility's costs either calculated for the term of delivery or calculated for a specified term at the time the limited producer agrees to be obligated to deliver for the specified term. Nothing in this section shall limit the authority of any electric utility or any limited producer to agree to a rate for any purchase which differs from the rate or terms or conditions which would otherwise be required by the commission.

362-A:5 Settlement of Disputes. Any dispute arising under the provisions of this chapter may be referred by any party to the commission for adjudication.

5 Optional Tax Exemption. Amend RSA 362-A:6 (supp) as inserted by 1981, 545:5 by striking out said section and inserting in place thereof the following:

362-A:6 Tax Exemption of Small Scale Power Facilities.

I. As used in this section, "small scale power facility" means any real or personal property used in the production of electric power by a qualifying small power production facility which uses water as a primary energy source, including the land, all rights, easements, and other interests thereto (excluding transmission lines from such facilities), and all dams, buildings, structures and other improvements situated thereon which are necessary or incidental to the production of power at the facility.

II. Any small scale power facility which begins commercial operation after August 29, 1981, may, at the option of the owner of such facility, be exempt from property taxation. If the owner of such facility elects to be exempt from taxation under this section, he shall enter into an agreement with the city or town in which the facility is located to make a payment in lieu of taxes. The payment shall be at least 2-1/2 percent, but not more than 5 percent, of the gross revenues of the facility in the preceding calendar year. Should the owner of a small scale power facility and the city or town fail to agree on the percentage of gross revenues to be paid in lieu of taxes, the commission shall determine the percentage of gross revenue payable by the owner in lieu of property taxes. An exemption under this section shall be allowed for a period of 20 years.

6 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 401, allowing persons voting in primaries to change party affiliation by mail. Inexpedient to Legislate.

The Committee felt there was plenty of opportunity to change party registration without doing it in this manner. Vote 7-3. Rep. Virginia K. Lovejoy for Statutory Revision.

Rep. Lewis moved that the words, Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate, and spoke to her motion.

Rep. Lovejoy spoke against the motion and yielded to questions.

Rep. Rounds spoke against the motion.

Rep. Russell moved the previous question. Sufficiently seconded. Adopted. Motion lost. Resolution adopted.

HB 547, providing a method for the recall of certain elected officials. Refer for Interim Study.

This bill has merit. However, the Committee feels it needs further study. Vote 9-0. Rep. Rita C. McAvoy for Statutory Revision.

Referred for Interim Study.

HB 576, relative to bottle bill legislation. Inexpedient to Legislate.

The Committee felt that proposed bottle bill legislation provides for adequate examination of the issue by the public. Vote 11-0. Rep. Robert E. Barber, Jr. for Statutory Revision.

Resolution adopted.

HB 439, relative to taking of property by eminent domain by a public utility for power lines. Inexpedient to Legislate.

The Committee felt the bill was too restrictive and would either preclude a transmission line from being built entirely or make a transmission line weave unnecessarily throughout New Hampshire. Also under RSA 162-F, a Site Evaluation Committee consisting of 13 different state departments decides where the transmission lines go, taking into consideration schools, churches, and historic districts. Vote 9-4. Rep. A. Leslie Burns for Commerce, Housing and Consumer Affairs.

Rep. Cressy moved that the words, Refer for Interim Study, be substituted for the Committee report, Inexpedient to Legislate, and spoke to her motion.

Rep. Quimby spoke in favor of the motion. Motion adopted.

Referred for Interim Study.

HB 614, to prohibit blind bidding on motion pictures. Ought to Pass.

This bill requires distributors of motion pictures to trade screen all motion pictures before accepting any bids for exhibition of the movie within this state. The Committee felt that this is a good consumer bill. Vote 12-0. Rep. Lawrence J. Guay for Commerce, Housing and Consumer Affairs.

Rep. Christy moved that the words, Refer for Interim Study, be substituted for the Committee report, Ought to Pass and spoke to his motion.

Reps. Guay, York and Quimby spoke in favor of the motion.

Motion adopted.

Referred for Interim Study.

HB 602-FN, relative to driving while intoxicated. Inexpedient to Legislate.

The subject matter of this bill is being addressed in the DWI package. Vote 13-0. Rep. Maureen E. Raiche for Judiciary.

Rep. Matthew Locke moved that the words, Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate, and spoke to his motion.

Rep. Holbrook spoke against the motion. Rep. Sytek moved the previous question. Sufficiently seconded. Adopted.

Motion lost.

Resolution adopted.

HB 660-FN, relative to capital punishment. Inexpedient to Legislate. The Committee thought it unwise to eliminate the distinction between



capital murder, first degree murder and second degree murder by providing the same penalty for all three. Vote 14-3. Rep. Daniel A. Eaton for Judiciary.

Rep. Matthew Locke moved that the words, Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate, spoke to his motion and yielded to questions.

Rep. Daniel Eaton spoke against the motion.

Rep. Sytek moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested.

Insufficiently seconded.

Motion lost.

Resolution adopted.

HB 762-FN, making reckless conduct and criminal threatening felonies if a deadly weapon is involved. Inexpedient to Legislate.

The penalty and criminal record that could result from an act done on the spur of the moment or by an act with an instrument that is classified as deadly, even without the actor's knowledge, is too severe. Vote 11-6. Rep. Frank J. Sylvia for Judiciary.

Rep. Perkins moved that the words, Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate and spoke to his motion.

Rep. Sytek spoke in favor of the motion. Motion adopted.

Rep. Perkins offered an amendment.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

making criminal threatening a felony if a firearm is involved.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Criminal Threatening. Amend RSA 631:4 as inserted by 1971, 518:1 by striking out said section and inserting in place thereof the following:

631:4 Criminal Threatening.

1. A person is guilty of an offense when:

(a) By physical conduct, he purposely places or attempts to place another in fear of imminent bodily injury or physical contact; or

(b) He threatens to commit any crime against the person of another with a purpose to terrorize any person; or

(c) He threatens to commit any crime of violence with a purpose to cause evacuation of a building, place of assembly, facility of public transportation or otherwise to cause serious public inconvenience; or

(d) By the use of any firearm, he purposely places or attempts to place another in fear of imminent bodily injury.

II. A violation of subparagraph (a) or (b) of paragraph I is a misdemeanor. A violation of subparagraph (c) or (d) of paragraph I is a class B felony.

2 Effective Date. This act shall take effect 60 days after its passage.

Hearing no objection, the Chair advised the Clerk to dispense with the reading of the amendment.

Rep. Perkins explained the amendment. Amendment adopted.

Ordered to third reading.

HB 819-FN, making changes in the right-to-know law. Inexpedient to Legislate.

This bill would unduly penalize local officials as well as cause problems and inconvenience volunteers who take minutes at meetings. Vote 16-1. Rep. Frank J. Sylvia for Judiciary.

Rep. Kaklamanos moved that the words, Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate, and spoke to his motion.

Rep. Silva spoke against the motion and yielded to questions.

Rep. Arris spoke against the motion.

Rep. French moved the previous question. Sufficiently seconded. Adopted. Motion lost.

Resolution adopted.

HB 787-FN, relative to water conservation methods in public buildings and publicly financed construction and reconstruction projects. Inexpedient to Legislate.

Due to the large number of small communities in this state without means of enforcement and larger communities having other ways of achieving the required needs, it was felt that a law of this type interfered unnecessarily with home rule. Vote 13-2. Rep. Charles M. Nute for Public Works.

Resolution adopted.

HB 603, relative to open primaries. Inexpedient to Legislate.

The majority of the Committee does not favor the elimination of straight ticket voting or an open primary system. Vote 11-0. Rep. Holly Abrams for Statutory Revision.

Rep. Jacobson moved that the words, Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate and spoke to his motion.

Reps. Abrams and Rounds spoke against the motion.

Rep. Daniell spoke in favor of the motion.

Rep. Townsend moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested.

Insufficiently seconded.

Motion lost.

Resolution adopted.

HB 652, requiring candidates to report all advertising and mailing expenses during the candidacy period. Inexpedient to Legislate.

The Committee felt this bill was unnecessary. Vote 10-1. Rep. George E. Lemire for Statutory Revision.

Rep. Jacobson moved that the words, Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate, spoke to his motion and yielded to questions.

Rep. George Lemire spoke against the motion and yielded to questions.

Rep. Flanders moved the previous question. Sufficiently seconded. Adopted. Motion lost.

Resolution adopted.

HB 791, revising the campaign financing statutes. Refer for Interim Study.

The subject matter warrants further study. Vote 10-0. Rep. Geraldine S. Bangs for Statutory Revision.

Referred for Interim Study.

HB 816, relative to the election of representatives to the general court from the city of Keene. Ought to Pass with Amendment.

This bill defines legislative districts in the city of Keene only. Vote 11-0. Rep. Robert E. Barber for Statutory Revision.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to the election of representatives to the general court and the election of delegates to state party conventions from the city of Keene.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 State Representative Districts for Keene. Amend RSA 662:5, III (supp) as inserted by 1979, 436:1 as amended by striking out the districts for Keene and inserting in place thereof the following:

District No. 12	Keene	Wards 1, 2	3
District No. 13	Keene	Wards 3, 4	3
District No. 14	Keene	Wards 1-4	
		At-large 1	
District No. 15	Keene	Ward 5	2

2 Delegates to State Party Convention from Keene. Amend RSA 662:6, III (supp) as inserted by 1979, 436:1 as amended by striking out the delegates for Keene and inserting in place thereof the following:

Keene	Ward 1	2
Keene	Ward 2	2
Keene	Ward 3	2
Keene	Ward 4	2
Keene	Ward 5	2

3 Official Map. An official map showing the boundaries of the wards of the city of Keene shall be filed in the office of the Keene city clerk and in the office of the secretary of state.

4 Application. The changes in state representative district lines for the city of Keene established by this act shall not affect constituencies or terms of office of representatives presently in office. The representative districts established by this act shall be in effect for the purpose of electing representatives to the general court at the 1984 state general election. If there shall be a vacancy in a representative district in Keene for any reason prior to the 1984 state general election, the vacancy shall be filled by and from the same representative district that existed for the 1982 state general election. No provision of this act shall affect in any manner any of the proceedings of the membership of the house of representatives of the general court that assembled for a biennial session in January, 1983.

5 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Rep. Sytek spoke to the Committee report. Rep. Barber spoke in favor of the Committee report.

A division was requested.

147 members having voted in the affirmative and 121 in the negative, the Committee report was adopted.

Ordered to third reading.

HB 460, amending the truck weight and size laws to conform to federal requirements. Ought to Pass with Amendment.

Passage of this bill is necessary in order to bring state statutes regarding truck weights and sizes into conformity with the Federal Surface Transportation Act of 1982. Physical changes in equipment are not of great magnitude, but tend to make units more stable by controlling weight distribution of loads. The bill also permits operation of double trailers on interstate and defense highway systems and on a limited number of other highways for purposes of off-loading cargoes. Vote 13-0. Rep. Irvin H. Gordon for Transportation.

#### Amendment

Amend RSA 259:100-a as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

259:100-a Single Unit Vehicle. "Single unit vehicle" shall mean a truck consisting of cab, chassis and body capable of carrying a load and not primarily designed for drawing other vehicles.

Amend RSA 259:115-a as inserted by section 6 of the bill by striking out same and inserting in place thereof the following:

259:115-a Tridem. "Tridem" shall mean 3 consecutive axles, the centers of which, when measured between the first and third axles, may be included between parallel vertical planes spaced more than 8 feet



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apart, and which tridem unit measures less than 12 feet overall between the centers of extreme axles, extending across the full width of the vehicles; except that for vehicles being driven on the interstate and defense highway system with a gross weight in excess of 73,280 pounds, a tridem shall measure not less than 40 inches nor more than 96 inches between the parallel vertical planes.

Amend RSA 265:108 as inserted by section 9 of the bill by striking out same and inserting in place thereof the following:

265:108 Certain Towing Prohibited. Except for duly registered wrecking vehicles, no vehicle, truck-tractor, or tractor may tow on any way more than one motor vehicle, truck-tractor, tractor, trailer or semi-trailer, except when used exclusively for agricultural purposes, and except that commercial motor vehicle combinations consisting of a truck-tractor, semi-trailer and not more than one full trailer may be driven on any interstate and defense highway and on sections of the turnpike system and sections of the federal-aid primary system as designated by the commissioner of the department of public works and highways, and on such access routes to terminals, facilities for food, fuel, repairs and rest as the commissioner of the department of public works and highways shall designate. Access routes for truck-tractor, semi-trailer, full trailer combinations to and from the interstate system, designated turnpike system and designated federal aid primary system roadways from and to terminal facility sites and facilities for food, fuel, repairs and rest may be designated by application in writing to the commissioner of the department of public works and highways by the facility operator or owner. Access to points of loading and unloading for household goods carriers may be granted on an individual basis by application to the department of public works and highways. Said approval, based on reasonably safe highway and driving conditions, may be granted for class I and class II highways and, with concurrence of local officials, for class IV and class V highways.

Amend RSA 266:11-a as inserted by section 11 of the bill by striking out same and inserting in place thereof the following:

266:11-a Length Exceptions. Notwithstanding the provisions of RSA 266:11, it shall be lawful to drive on the ways of this state a vehicle or a combination of vehicles that exceed the length limits in RSA 266:11 if such vehicle or combination is transporting poles, logs, timbers or metal in a case in which the load is not readily divisible and such overhang does not interfere with steering the vehicle.

Amend RSA 266:12 as inserted by section 12 of the bill by striking out same and inserting in place thereof the following:

266:12 Width. The driving on ways of this state of any vehicle whose width including load exceeds the limitations of this section is hereby prohibited:

1. A vehicle in excess of 96 inches in width or, in the case of a bus or in the case of a vehicle being operated on

any way with lanes at least 12 feet wide, in excess of 102 inches in width.

11. A passenger type vehicle that is carrying a load which extends over the sides of the vehicle beyond the line of the fenders on the left side or extends more than 6 inches beyond the line of the fenders on the right side of the vehicle.

Amend the bill by striking out all after section 14 and inserting in place thereof the following:

15 Maximum Weights. Amend RSA 266:18 as inserted by 1981, 146:1 by striking out said section and inserting in place thereof the following:

266:18 Weight. The driving on ways of this state of any vehicle or combination of vehicles exceeding the limitations of this section is hereby prohibited; provided, however, that any police officer may allow on any way other than the interstate and defense highway system a tolerance of 5 percent above said limitations.

1. Maximum tire and axle gross weights allowable:

(a) 600 pounds per inch of width of tire.

(b) When being driven with a gross weight in excess of 73,280 pounds on the interstate and defense highway system:

(1) 20,000 pounds per axle on axles more than 8 feet apart;

(2) 17,000 pounds per axle on axles not more than 8 feet apart.

(c) When being driven on the interstate and defense highway system with a gross weight not in excess of 73,280 pounds, or on any other way:

(1) 22,400 pounds per axle on 3-axle single unit vehicles and on all other vehicles with axles 10 feet or more apart, including combination vehicles.

(2) 18,000 pounds per axle on axles of vehicles less than 10 feet apart, except 3-axle single unit vehicles.

(d) Two axles less than 40 inches apart shall be considered as a single axle unit.

11. Maximum allowable vehicle gross weights:

(a) For 2-axle vehicles, 33,400 pounds.

(b) For single unit 3-axle vehicles driven on any way other than the interstate and defense highway system, 55,000 pounds.

(c) For single unit 3-axle vehicles driven on the interstate and defense highway system, 47,500 pounds, or a gross weight not in excess of that produced by application of the weight formula as defined in subparagraph (i), whichever is greater.

(d) For single unit 4-axle vehicles being driven on any way other than the interstate and defense highway system, 60,000 pounds. Such vehicles shall have drive on 2 rear axles and the tridem may contain not more than one retractable axle and, if not factory installed and load equalizing, must provide a system of load equalization by hydraulic, pneumatic or mechanical means, and be equipped with brakes.

(e) For single unit 4-axle vehicles being driven on the interstate and

defense highway system, 47,500 pounds, or a gross weight not in excess of that produced by application of the weight formula as defined in subparagraph (i), whichever is the greater. Such vehicles shall have drive on 2 rear axles and the tridem may contain not more than one retractable axle and, if not factory installed and load equalizing, must provide a system of load equalization by hydraulic, pneumatic or mechanical means, and be equipped with brakes.

(f) For a combination of truck-tractor and semi-trailer equipped with 3 axles, the gross weight shall not exceed those set forth in the following table:

Distance Between Extreme Axles in Feet	Maximum Gross Weight In Pounds
25	54,500
26	55,500
27	56,000
28	57,000
29	57,500
30	58,500
31	59,000
32	60,000

Further provided that the maximum tire and axle gross weights as provided in paragraph I shall apply and the maximum load in pounds carried on any group of 2 or more consecutive axles shall not exceed that produced by application of the weight formula as defined in subparagraph (i).

(g) For a combination of truck-tractor and semi-trailer equipped with 4 axles, the gross weight shall not exceed that set forth in the following table:

Distance Between Extreme Axles in Feet	Maximum Gross Weight In Pounds
28	60,500
29	61,500
30	62,000
31	62,500
32	63,500
33	64,000
34	64,500
35	65,500
36	66,000
37	66,500
38	67,500
39	68,000

Further provided that the maximum tire and axle gross weights as provided in paragraph I shall apply and the maximum load in pounds carried on any group of 2 or more consecutive axles shall not exceed that produced by application of the weight formula as defined in subparagraph (i).

(h) For a combination of truck-tractor and single semi-trailer with 5 or 6 axles with gross weight not in excess of 73,280 pounds, the weight on any single axle shall not exceed 22,400 pounds and the weight on any tandem axle shall not exceed 36,000 pounds.

(i) For a combination of truck-tractor and single semi-trailer equipped with 5 or 6 axles with a gross weight in excess of 73,280 pounds or a combination of truck-tractor and more than one trailing unit being

driven upon any way of this state, the total gross weight shall not exceed 80,000 pounds including all law enforcement tolerances, and the overall gross weight on a group of 2 or more consecutive axles shall not exceed that produced by application of the following formula, known as the weight formula:

$$W = 500 + \frac{LN}{N-1} + 12N + 36$$

(In which W equals overall gross weight on any group of 2 or more consecutive axles to the nearest 500 pounds; L equals the distance measured to the nearest foot between the extreme of any group of 2 or more consecutive axles; and N equals the number of axles in the group under consideration.) Except that 2 consecutive sets of tandem axles may carry a gross load of 34,000 pounds each provided the overall distance between the first and last axles of such consecutive sets of tandem axles is 36 feet or more and provided that such gross weight shall not exceed 80,000 pounds, including all law enforcement tolerances.

The formula  $W = 500 + \frac{LN}{N-1} + 12N + 36$

when expressed in tabular form results in maximum allowable load in pounds carried on any group of 2 or more consecutive axles as follows:

Distance*	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles
4	34,000					
5	34,000					
6	34,000					
7	34,000					
8	34,000	34,000				
9	39,000	42,500				
10	40,000	43,500				
11		44,000				

12		45,000	50,000			
13		45,500	50,500			
14		46,500	51,500			
15		47,000	52,000			
16		48,000	52,500	58,000		
17		48,500	53,500	58,500		
18		49,500	54,000	59,000		
19		50,000	54,500	60,000		
20		51,000	55,500	60,500	66,000	
21		51,500	56,000	61,000	66,500	
22		52,500	56,500	61,500	67,000	
23		53,000	57,500	62,500	68,000	
24		54,000	58,000	63,000	68,500	74,000
25		54,500	58,500	63,500	69,000	74,500
26		55,500	59,500	64,000	69,500	75,000
27		56,000	60,000	65,000	70,000	75,500
28		57,000	60,500	65,500	71,000	76,500
29		57,500	61,500	66,000	71,500	77,000
Distance*	2 axles	3 axles	4 axles	5 axles	6 axles	7 axles
30		58,500	62,000	66,500	72,000	77,500
31		59,000	62,500	67,500	72,500	78,000
32		60,000	63,500	68,000	73,000	78,500
33			64,000	68,500	74,000	79,000
34			64,500	69,000	74,500	80,000
35			65,500	70,000	75,000	
36			66,000	70,500	75,500	
37			66,500	71,000	76,000	
38			67,500	72,000	77,000	
39			68,000	72,500	77,500	
40			68,500	73,000	78,000	
41			69,500	73,500	78,500	
42			70,000	74,000	79,000	
43			70,500	75,000	80,000	
44			71,500	75,500		
45			72,000	76,000		
46			72,500	76,500		
47			73,500	77,500		
48			74,000	78,000		
49			74,500	78,500		
50			75,500	79,000		
51			76,000	80,000		
52			76,500			
53			77,500			
54			78,000			
55			78,500			
56			79,500			
57			80,000			

\*Distance in feet between the extremes of any group of 2 or more consecutive axles.

The permissible loads are computed to the nearest 500 pounds. The modification consists of limiting the maximum load on any single axle to 20,000 pounds.

(j) The following loaded vehicles shall not be driven over H15-44 bridges:

(1) A combination vehicle equipped with 5 axles in the configuration of 3-axle truck-tractor and 2-axle semi-trailer with wheelbase less than 38 feet or 2-axle truck-tractor with 1-axle semi-trailer and 2-axle full trailer with wheelbase less than 45 feet.

(2) A loaded single unit vehicle with full trailer equipped with 6 axles with wheel base less than 45 feet.

(3) Vehicles with 7, 8, or 9 axles.

(k) Coupled vehicles consisting of a truck together with a

trailer attached to the truck by a pintle hook or similar coupling device with adequate brake away protection as provided in RSA 266:63 may be driven provided the total combined gross weight of the vehicles does not exceed 80,000 pounds and provided that each unit of the coupled vehicles shall be limited to the maximum permissible axle weights and gross weights of the individual units and further provided that when being driven on the interstate and defense highway system the weight of 2 or more consecutive axles of the coupled vehicle shall not be in excess of that produced by application of the weight formula as defined in subparagraph (i) and shall be limited to a total combined gross weight not in excess of 80,000 pounds, a single axle limit of 20,000 pounds and a tandem axle limit of 34,000 pounds.

III. A vehicle or combination of vehicles equipped with any solid rubber tires shall not have weights more than 80 percent of those permitted in this section; provided that no vehicle equipped with solid

rubber tires which has at any point less than one inch of rubber above the top or beyond the flange or rim shall not be driven upon any way.

IV. Motor vehicles or vehicles drawn by motor vehicles when equipped with metal or other hard tires shall not have weights more than 40 percent of those permitted by this section. V. The provisions of this section shall not apply to vehicles used exclusively in the surfacing of ways of the state of New Hampshire, or subdivisions thereof; provided that the commodities of tar, asphalt, or the combination thereof shall not exceed 2,000 gallons on any 2-axle vehicle, or 4,000 gallons on any 3-axle vehicle.

VI. A vehicle or combination of vehicles shall not be driven or moved over any bridge or other structure on any way if the weight of such vehicle, or combination of vehicles and load, is greater than the capacity of the structure as shown by a sign on the right side of or overhead on the structure.

VII. It shall be the duty of the commissioner of public works and highways to cause signs to be erected at both ends on the right side of or overhead on all bridges or other structures under his jurisdiction stating the capacity in tons of 2,000 pounds which the bridge or other structure will safely carry. For all other bridges or other structures it shall be the duty of the authority having jurisdiction to place similar signs.

The signing message for posting of weight limits for bridges and structures shall read as follows:

WEIGHT  
LIMIT  
X  
TONS

If the authority determines that a bridge or other structure may safely carry loads greater than this limit by vehicles with 3 or more axles, the signs shall read as follows:

GROSS WEIGHT LIMIT  
X TONS OR  
YZ % OF LEGAL LOADS

"X" is the numerical value that equals the posted maximum legal gross weight limit for a 2-axle vehicle. "YZ" is the numerical value expressed as a percentage of the maximum legal gross weight limit of any single axle or tandem axle, and the combined gross weight limit of any 3-axle truck or any combination as noted in this section. Where no special permit loads are allowed the signing message for posting shall read as follows:

NO PERMIT LOAD  
LEGAL LOADS MAXIMUM

Upon bridges or other structures of sufficient strength to carry safely the legal loads permissible by this section, no such signs shall be required.

VIII. A determination of the gross weight of vehicles under the tables as set

forth in this section shall, in cases in which the distance between extreme axles is not in exact number of feet, be governed by the following: if the distance is 6 inches or less in excess of the number of feet stated in the table, the gross weight shall be deemed to be the number of feet stated in the table; if the distance is more than 6 inches in excess of the number of feet in the table, the gross weight shall be deemed to be the next higher number of feet.

16 Powers of Commissioner. Amend RSA 266 by inserting after section 18 the following new section:

266:18-a Assembly or Disassembly of Double Trailers. The commissioner of public works and highways, by rule adopted pursuant to RSA 541-A, shall have the authority to prohibit and to approve suitable locations for the assembly and disassembly of truck-tractor, semi-trailer, full trailer combinations, and these rules shall have the force of law. No truck-tractor, semi-trailer, full trailer combination shall be assembled or disassembled on the roadway or shoulder of any way, nor within a state or municipally owned right of way, nor at state operated rest areas, weigh stations or car pool parking lots, nor at any other location prohibited by the commissioner of public works and highways. Any person who shall violate the provisions of this section shall be guilty of a misdemeanor.

17 Repeal. RSA 266:19, relative to weight exception for combination vehicle and semi-trailer, is hereby repealed.

18 Converter Dollies on Full Trailers. Amend RSA 266:63 as inserted by 1981, 146:1 by striking out said section and inserting in place thereof the following:

266:63 Trailer Breakaway Safety Chains. Every trailer or semi-trailer including farm and agricultural vehicles shall have, in addition to the tow-bar or coupling device, a safety chain or cable to prevent breakaway from the towing vehicle. Each chain or cable shall have an ultimate strength at least equal to the gross weight of the trailer and load being towed. Chains or cables shall be connected to the towed and towing vehicle to prevent the tow-bar from dropping to the ground in the event the tow-bar fails. This provision shall not apply to truck-tractor and semi-trailer units equipped with fifth wheel mechanisms, nor to full trailers being driven as part of a truck-tractor, semi-trailer, full trailer unit when the full trailer is attached to the semi-trailer by means of a converter dolly or fifth wheel mechanism.

19 Effective Date. This act shall take effect upon its passage.

Amendment adopted.  
Ordered to third reading.

#### SUSPENSION OF RULES

Reps. Rounds and Chambers moved that the Rules be so far suspended as to permit consideration at the present time of HR 34, requesting an opinion of the Justices on HB 674-FN, without referral to committee, printing, public hearing, committee report and notice in the Calendar.



Rep. Scamman spoke in favor of the motion.

Adopted by the necessary two-thirds.

#### HOUSE RESOLUTION NO. 34

requesting an opinion of the Justices on HB 674.

WHEREAS, HB 674-FN would repeal the business profits tax, RSA 77-A, and would replace it with uniform business tax on business organizations previously subject to tax under RSA 77-A, and

WHEREAS, HB 674-FN establishes a distinct class of property defined as the business organization's "tax base" with respect to which the uniform business tax is imposed, and

WHEREAS, "tax base," as defined in HB 674-FN, means taxable income of the business organization reduced by an apportionment factor and increased or decreased, as the case may be, by certain adjustments, all as defined in the bill, and

WHEREAS, HB 674-FN would impose a tax at a uniform rate of one percent on "tax base," and

WHEREAS, "tax base" as defined in HB 674-FN, includes compensation and benefits paid, less a \$25,000 blanket deduction, and

WHEREAS, under HB 674-FN corporations, proprietorships and partnerships will be required to pay the uniform business tax on amounts over \$25,000 while an individual employed by a corporation, proprietorship or partnership will pay no tax under HB 674-FN, and

WHEREAS, the stated purpose of the bill is to spread the burden of taxation more equally among all business organizations, now therefore, be it

RESOLVED, by the House of Representatives, that the Justices of the Supreme Court be respectfully requested to give their opinion upon the following questions:

1. Would establishment of "tax base" as a class of property, as proposed and defined in HB 674-FN, exceed a reasonable exercise of the General Court's power to classify property for purposes of taxation, under Part II, Article 6 of the New Hampshire Constitution?

2. Would enactment of HB 674-FN, which imposes a uniform business tax on a business organization's tax base, which is determined by allowing a deduction of \$25,000 with no specific compensation deductions, have the effect of impermissible classifying taxpayers under Part I, Article 12 and Part II, Article 5 of the New Hampshire Constitution and as discussed by this Court in Opinion of the Justices, 106 N.H. 202 (1965)?

3. If the answers to questions 1 and 2 are in the negative, would imposition of a tax on "tax base" at the uniform rate set forth in HB 674-FN offend the requirements for equality and proportionality mandated by Part I, Article 12 and Part II, Article 5 of the New Hampshire Constitution?

That the clerk of the House transmit 7 copies of this resolution to the Justices of

the Supreme Court along with an equal number of copies of HB 674-FN.

Hearing no objection, the Chair advised the Clerk to dispense with the reading of the resolution.

Rep. Scamman explained the resolution. Adopted.

#### ENROLLED BILLS REPORT

HB 119, relative to sunset review of the higher education fund - Keene state college.

HB 120, relative to sunset review of the higher education fund - Plymouth state college.

HB 124, relative to sunset review of the higher education fund - agriculture experiment station.

HB 125, relative to sunset review of the higher education fund - marine research and development.

HB 126, relative to sunset review of the higher education fund - U.N.H. cooperative extension service.

HB 128, relative to sunset review of Keene state - board of education.

HB 157, relative to sunset review of DRED - recreation services.

Rep. Francis Donovan  
Sen. Laurier Lamontagne  
For the Committee.

Rep. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourn today it be to meet Thursday, April 21 at 10:00 a.m.

Adopted.

#### LATE SESSION

##### Third reading and final passage

HB 422, clarifying existing law prohibiting discrimination by landlords against persons with children.

HB 739, relative to the cancellation and refusal to renew insurance policies.

HB 345, relative to the duty of school boards to provide education.

HB 511-FN, relative to school district liability for special education.

HB 822, revising the charter of the Concord union school district.

HB 820-FN, relative to the supervision of a person who has been discharged from a mental health facility after receiving treatment for mental illness.

HB 821-FN, relative to the administration of emergency medical treatment following involuntary emergency hospitalization.

HB 831, transferring the licensing of child care agencies from the division of welfare to the department of health and welfare.

HB 841, requiring providers of medical services to furnish itemized statements to

both recipients of such services and any third party payers.

HB 520, relative to the right to privacy law.

HB 546-FN, increasing the uncontested special session fee for probate judges.

HB 562, relative to dental examinations of dead bodies not identifiable by other means.

HB 672, relative to actions allowed against insolvent estates.

HB 762-FN, making criminal threatening a felony if a firearm is involved.

HB 774, relative to inheritance of children born of unwed parents.

HB 382, adding members to joint committee on employment relations.

HB 351-FN, relative to certain trust funds.

HB 381, legalizing the name "Contoocook Village Precinct," legalizing certain meetings and authorizing the collection of taxes on certain dates in the town of Londonderry.

HB 474, authorizing the mayor of Concord, with the consent of the city council, to appoint commissioners to Concord housing authority.

HB 537-FN, relative to property tax assessments.

HB 550-FN, relative to apportionment, assessment and abatement of taxes.

HB 555, requiring deeds of other conveyances of property to include the tax map and parcel number of the property.

HB 578, creating a joint legislative committee to study the feasibility of merging all unincorporated places with abutting towns.

HB 584, permitting towns without zoning to establish village districts with zoning.

HB 591, clarifying the status of tax warrants in semi-annual billing and relative to tax records.

HB 593, to allow taxes to be assessed to the current owner of property if it has changed hands after April 1.

HB 594, requiring tax collectors to mail tax notices to delinquents 30 or fewer days prior to posting the tax sale.

HB 664, relative to contiguous nonconforming lots.

HB 704-FN, relative to public hearings on change of size of board of selectmen.

HB 705-FN, providing optional allowances for the beneficiary of a deceased retirement system member.

HB 738-FN, permitting the town of Clarksville to expend tax revenues for the plowing of certain private driveways.

HB 755, relative to county attorneys.

HB 770-FN, granting certain municipalities the option of setting their own tax rates.

HB 824, relative to the erection of buildings on class V and class VI highways.

HB 825, relative to referring certain zoning and subdivision changes to regional planning commissions and abutting towns.

HB 826, relative to the powers and duties of regional planning commissions.

HB 834, eliminating the requirement that the commissioner of revenue administration certify the issuance or authorization of municipal and county bonds and notes.

HB 839, to compensate deputy sheriffs in Hillsborough county on a salary and expense basis.

HB 843-FN, regarding changes in the timber tax laws.

HB 648-FN, relative to smoke detectors in rental units.

HB 682, requiring certification by the state fire marshal of certain firefighting units.

HB 713, relative to the felonious use of teflon-coated, armor-piercing and exploding bullets.

HB 772, relative to the felonious use of body armor.

HB 470-FN, to reclassify certain highways in the towns of Jefferson and Center Harbor from class II to class V highways.

HB 504, relative to the final environmental impact statement and the preliminary engineering studies of the corridor for the north quadrant of Nashua-Hudson circumferential highway project.

HB 582, eliminating eminent domain sections of the highway laws that conflict with RSA 498-A and amending RSA 498-A the eminent domain procedures act.

HB 620, giving the state the right of first refusal on rail properties offered for sale within the state.

HB 840-FN, relative to railroad right-of-way preservation.

HB 531-FN, relative to liquor and wine.

HB 323-FN, relative to the Summer Brook fish hatchery in the town of Ossipee.

HB 339-FN, providing the town of Ossipee the first option on purchasing the Summer Brook rearing station.

HB 420, relative to the change in the use of buildings built for residential or commercial use.

HJR 3, to authorize a more comprehensive program to conserve the water resources of the state.

HB 734-FN, to require reporting of certain nuclear accidents to state and local authorities.

HB 742, relative to solar energy and alternative energy sources.

HR 30, expressing the sense of the general court that the Price-Anderson Act, as amended, must be further amended, as soon as possible, to provide offsite financial protection to the general public, and to the counties, cities, towns, and other civil divisions of government, including state governments, in accordance with the latest Nuclear Regulatory Commission estimates of the financial consequences of nuclear power reactor accidents, and that the Price-Anderson Act must under no circumstances be repealed, or allowed to expire, but be renewed as amended before its expiration date.

HB 405, relative to the form of ballots for state general elections.

HB 545, relative to party committees.

HB 556, relative to prohibitions that take effect after a declaration of candidacy or a declaration of intent.

HB 557, relative to recount procedures.

HB 558, relative to overseas voters.



HB 587, making "New Hampshire Naturally" an honorary state song and making the white tail deer the state animal.

HB 589, requiring declarations of candidacy for candidates for the office of president and vice-president.

HB 697-FN, relative to emergency interim successors under the emergency interim succession act.

HB 736, relative to absentee voting for school district elections.

HB 737, relative to the election of representatives to the general court and the election of delegates to state party conventions from the city of Concord.

HB 816, relative to the election of representatives to the general court and the election of delegates to state party conventions from the city of Keene.

HB 460, amending the truck weight and size laws to conform to federal requirements.

HB 567, relative to service station dealers.

HB 818, relative to group legal insurance.

HB 800-FN, relative to tuition benefits for math, science, industrial arts, and vocational education majors.

HB 827, providing military recruiters access to schools and to directory information.

HB 596-FN, relative to protection of towns, cities and counties from retroactive state billings.

HB 728-FN, relative to screening for long term care.

HB 671, increasing the time within which a wrongful death action may be brought by an administrator.

HB 393, relative to the minimum wage for youths.

HB 414, to remove prohibitions against companion animals in housing for the elderly.

HB 757, establishing a state fire code.

HB 526-FN, relative to energy conservation in new building construction.

HB 725-FN, relative to limited electrical energy producers.

HR 34, requesting an opinion of the Justices on HB 674-FN.

Rep. Rounds moved that the House stand in recess for the purpose of Introduction of Bills and Enrolling Reports only.

Adopted.

The House recessed at 4:30 p.m.

#### RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn.

Adopted.

# HOUSE JOURNAL 20

*Thursday, 21 Apr 83*

The House assembled at 10:00 a.m., and was called to order by the Speaker.

Prayer was offered by guest Chaplain, Rabbi Arnold Fertig.

We stand before the Author of all human life, awed by the gift of life. We stand before a Presence within and among us, in which, although we are separate, we are together; in which, although we are many, we are one.

We pray, O Lord, for the wisdom and vision to comprehend the greatness of the human spirit. Grant honor for all who live and work for the betterment of the people of this great State. Grant our leaders the ability to discern that all share a common humanity, not only for this day, but for all our years.

Grant us, O Lord, the determination to work toward the day when all human needs shall be fulfilled and all humanity shall experience the blessings of peace. In that time justice and righteousness, security and equal opportunity shall be reality. We pray that Your presence shall continually be with us, and Your guidance shall lead us as we journey along life's path. Amen.

Rep. Richard Galway led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Stimmell, Waldron, Sallada, Zimmerman, Brideau, Paul Meader, Boulter and James J. White, the day, illness.

Reps. Quimby, Musler, Parr, David King, Flanagan, Matson, Lynde, Matthew Locke, Crotty, John Flanders, Lewis, Ralph Torr and Wagner, the day, important business.

Rep. Cronin, the day, death in family.

## INTRODUCTION OF GUESTS

Edith and Richard Grodin, Heather Bartold and Darcy Morgan, wife, son and grandchildren of Rep. Grodin; students from the Emerson School and their teachers, Kathleen Quinn, Garrett Payton and Terri Russell, guests of Rep. Davis.

Rep. Rounds offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill of Intent number 2004, shall be by this resolution read a first and second time by the therein listed titles, sent for

printing, and referred to the therein designated committee.  
Adopted.

## INTRODUCTION OF HOUSE BILL OF INTENT First, second reading and referral

HBI 2004, relating to studying the amount of profit received on the sale of wine in privately owned stores and state liquor stores and ways in which the state may realize a larger margin of profit through the liquor commission. (Scanman of Rockingham Dist. 19; Russell of Hillsborough Dist. 15 - To Ways and Means)

## SENATE MESSAGES CONCURRENCE

HB 213, eliminating the requirement that payments be made on a quarterly basis for community mental health programs.

## ACCEDES REQUEST FOR COMMITTEE OF CONFERENCE

HB 71, relative to the treatment of horses.

The President appointed Sens. Wiggins, Preston and Freese.

Rep. Tucker offered the following:

## HOUSE RESOLUTION NO. 33

honoring former  
Representative Greta M. Ainley  
of Manchester.

WHEREAS, Greta Ainley has served the people of Hillsborough County with distinction as a member of the New Hampshire House since 1957 for a total of twelve terms, and

WHEREAS, Greta Ainley has proven to be an articulate, dedicated and valuable legislator whose appointments to the committee on Insurance; Resources, Recreation and Development; Judiciary; Interstate Cooperation; and Appropriations clearly reflect her ability, breadth of experience and the high regard held for her by the House Leadership and her peers, and

WHEREAS, Greta Ainley has been recognized for her dedication and contributions to the Organization of Women Legislators after holding various offices of State President in 1969 and 1971, National Historian in 1972, National Secretary in 1973, and National President in 1976, and

WHEREAS, Greta Ainley has also served as President of the Manchester Women's Club from 1960 to 1962, President of the Manchester Republican Club in 1962, Life Trustee of Notre Dame College Library Guild, National Convention Delegate for Richard Nixon, Chairman of the State Goldwater for President Committee and Commissioner of the Manchester Ballot Commission from 1969 to 1971, now therefore be it

RESOLVED, by the House of Representatives, that Greta Ainley be commended for her outstanding record of public service to the people of this state, a record demanding public recognition and appreciation, and be it further

RESOLVED, that April 26 be designated Greta M. Ainley Day and that a suitable copy of this resolution be prepared for presentation to her.

Unanimously adopted.

Rep. Rounds moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 521, regulating rental referral agencies, health clubs, and buying clubs, was removed at the request of Rep. Crory.

HB 690, requiring that churches be billed for electricity at residential rates, was removed at the request of Rep. Sloan.

HB 790, requiring all telephone calls within New Hampshire to be charged at local service rates during night and weekend hours, was removed at the request of Rep. Easton.

HB 811, relative to the protection of tenants in conversion of rental units, was removed at the request of Rep. Converse.

HB 463, transferring the licensing and enforcement duties of the state liquor commission to the department of safety, was removed at the request of Rep. Spirou.

HB 634, relative to straight chiropractic, was removed at the request of Rep. Gary S. Dionne.

HB 646-FN, establishing a department of transportation, was removed at the request of Rep. Ford.

HB 689-FN, relative to the regulation of auctioneers, was removed at the request of Rep. Kenneth MacDonald.

HB 744-FN, establishing a department of corrections, was removed at the request of Rep. Ford.

HB 788-FN, regulating aestheticians, was removed at the request of Rep. Spirou.

HB 487, prohibiting the drinking of alcoholic beverages by a person driving a vehicle upon any way, was removed at the request of Rep. Demers.

HB 747, permitting victims or their next of kin, to appear and speak at sentencing and parole hearings, was removed at the request of Rep. Newman.

HB 756, relative to administrative inspection warrants, was removed at the request of Rep. Sytek.

HB 760, providing for the awarding of expenses, interest and attorneys' fees in certain civil actions, was removed at the request of Rep. Bowler.

HB 341-FN, consolidating the office space study committee with the capital planning committee, was removed at the request of Rep. Abrams.

HB 733-FN, limiting rafting of boats, regulating distance between stationary boats, and expanding enforcement, was removed at the request of Rep. Gary S. Dionne.

HB 63-FN, relative to a transfer tax on mobile homes, was removed at the request of Rep. Lussier.

HB 286-FN, relative to a 4 percent tax on income and making an appropriation therefor, was removed at the request of Rep. Daniell.

HB 290-FN, relative to revenue enhancement and disbursement, was removed at the request of Rep. Gary S. Dionne.

HB 309-FN, relative to the sale of fireworks and imposing a tax thereon, was removed at the request of Rep. Daniel Eaton.

HB 432-FN, to extend the road toll increase, was removed at the request of Rep. Demers.

Adopted.

#### COMMITTEE REPORTS (Consent Calendar)

HB 424-FN, relative to classifying mobile homes as real property. Inexpedient to Legislate.

The Committee felt that the provisions of this bill had merit but also recognized that there was a vehicle for this resolution in HB 63. The Committee agreed with the intent of HB 424 that mobile homes be classified as real property and sold by real estate brokers in the same manner as proposed. Vote 13-0. Rep. Tom Longworth for Commerce, Housing and Consumer Affairs.

HB 473, relative to gasoline credit account charges. Ought to Pass.

This bill makes void any agreement between a supplier and a dealer who have a franchise agreement with each other and requires the dealer to pay any fee, charge or discount to the supplier for honoring a credit card which the supplier issued. The bill also prohibits any agreement which requires the dealer to submit to the supplier, evidence of the indebtedness of the card holder, in exchange for payment on credit to the seller's account. The Committee feels this is good consumer legislation. Vote 8-4. Rep. Lawrence J. Guay for Commerce, Housing and Consumer Affairs.

HB 529-FN, relative to group insurance benefits for surviving spouses and dependents. Refer for Interim Study.

The Committee recognized that this bill did not serve the intent of its sponsor and an attempt to achieve the intent of the sponsor could not be properly realized in the short time available to the Committee. Vote 19-0. Rep. Harold V. Lynde, Jr. for Commerce, Housing and Consumer Affairs.

HB 575, withdrawing home office protection under the branch banking law from

banks which are affiliates of bank holding companies. Ought to Pass With Amendment.

Home office protection was granted to three banks in New Hampshire when the 1979 banking branch law was enacted to single unit banks in communities of under 2,500 people. This protection will be withdrawn on December 1, 1984 from these banks if they have been or are purchased by a bank holding company. Vote 17-0. Rep. Elizabeth L. Crory for Commerce, Housing and Consumer Affairs.

#### Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Effective Date. This act shall take effect December 1, 1984.

HB 604, relative to cable television franchises. Refer for Interim Study. The Committee felt that there were major flaws in this bill and that drafting of a viable bill would require further study. Vote 16-0. Rep. Edward J. Allgeyer for Commerce, Housing and Consumer Affairs.

HB 631, permitting a rural electrification cooperative association to organize and control electric cooperative associations. Inexpedient to Legislate.

The Committee felt that passage of this bill would deny to cooperative members rights always held by them and recently upheld by two Supreme Court decisions. Vote 14-5. Rep. Elizabeth L. Crory for Commerce, Housing and Consumer Affairs.

HB 688, making electronic banking available to credit unions. Ought to Pass. This bill will allow New Hampshire chartered credit unions parity with all other financial institutions in New Hampshire regarding the availability of electronic banking. Vote 14-0. Rep. Catherine G. Lamy for Commerce, Housing and Consumer Affairs.

HB 721, requiring group health insurers to continue health coverage for divorced or separated spouses of the member. Ought to Pass with Amendment.

HB 721 as amended requires group health insurers to continue health coverage for 39 weeks with conversion rights for former spouses of members. Vote 12-1. Rep. Barbara B. Pressly for Commerce, Housing and Consumer Affairs.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

requiring group health insurers to continue health coverage for former spouses of members for a certain period of time.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Coverage for Former Spouse. Amend RSA 415:18, VII(g)(1) as inserted by 1981, 391:1 by striking out said subparagraph and inserting in place thereof the following:

(g)(1) Whenever any individual who is a member of any group hospital, surgical, medical insurance plan or health maintenance organization becomes ineligible for continued participation in such plan for any reason including death, or whenever any individual who is a spouse or former spouse of a member becomes ineligible for continued coverage as a dependent under such plan as a result of dissolution of marriage, the benefits of such plan shall be available at the same group rate to the individual, the surviving spouse or former spouse and the dependents covered by the group plan, for an extension period of 39 weeks or until such member, surviving spouse, former spouse, or dependent becomes eligible for benefits under another group plan, whichever occurs first. The individual, surviving spouse, former spouse, or dependent shall elect to continue the participation in the group plan within 30 days after the member or former spouse becomes ineligible to participate. The member, surviving spouse, former spouse, or dependent shall be responsible for payment of premiums to the employer or policyholder throughout the extension period. Upon termination of the extension period, the member, surviving spouse, former spouse, or dependent shall be entitled to exercise any option which is provided in the group plan to elect a converted policy. After timely receipt of the premium payment from the individual, surviving spouse, or former spouse, if the employer fails to make payments to the insurer or hospital or medical service corporation or health maintenance organization, with the result that coverage is terminated, the employer shall be liable for benefits to the same extent as the insurer or hospital or medical service corporation would have been liable if coverage had not been terminated.

HB 753, to establish the incorporation of consumer cooperative associations with the state of New Hampshire. Ought to Pass.

HB 753 establishes the right for a consumer cooperative to incorporate in New Hampshire. These rights are necessary for interaction between the National Consumer Cooperative Bank and cooperatives chartered in New Hampshire. Vote 19-0. Rep. C. Dana Christy for Commerce, Housing and Consumer Affairs.

HB 759, relative to nonwaiver of the warranties of merchantability and fitness for a particular purpose. Inexpedient to Legislate.

The sponsor of this bill asked that it be withdrawn as HB 753 has addressed the problem. Vote 16-0. Rep. Roger R. Beliveau, Sr. for Commerce, Housing and Consumer Affairs.

HB 761, relative to regulation of installment interest rates and general disclosure. Ought to Pass with Amendment.

Disclosure of interest rates is a basic right of a borrower and this disclosure must be accurate and fair. The amendment defines installment sales agreements and very clearly defines the prepayment penalties and stipulates the method of computation. Vote 19-0. Rep. Peter F. Wells, Sr. for Commerce, Housing and Consumer Affairs.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to prepayment of installment sales agreements.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Disclosure of Terms; Installment Sales Contracts. Amend RSA by inserting after chapter 361-C the following new chapter:

#### CHAPTER 361-D PREPAYMENT OF INSTALLMENT SALES AGREEMENTS

361-D:1 Definitions. In this chapter:

I. "Goods" means all goods, including mobile homes as defined in RSA 259:56, which are used or bought primarily for personal, family or household purposes. Goods shall include goods which are to become fixtures or which are to become incorporated into a structure. Goods shall also include gift certificates. Goods shall not include money or choses in action.

II. "Installment buyer" or "buyer" means a person who buys or agrees to buy goods or who obtains services or agrees to have services furnished or rendered or who obtains merchandise certificates under a retail installment sale agreement, or revolving credit agreement, or any legal successor in interest to such person, notwithstanding that he may have entered into one or more extension, refinancing or consolidation agreements.

III. "Installment seller" or "seller" means a person who sells or agrees to sell goods or services or both, or merchandise certificates, pursuant to a retail installment sale agreement, or revolving credit agreement.

IV. "Merchandise certificate" or "coupon" means a writing issued by a seller, not redeemable in cash and usable in its face amount in lieu of cash in exchange for goods or services supplied by the seller. The issuance of the merchandise certificate or coupon shall be deemed to be a transaction giving rise to indebtedness of a buyer to the seller of goods, services or insurance for a part or all of the purchase price thereof upon issuance.

V. "Retail installment sale agreement" means an agreement, other than a revolving credit agreement or agreement reflecting a sale made pursuant thereto, signed by the buyer in this state, involving a finance charge and providing for the sale of goods or the rendering of services or both, or for the issuance of merchandise certificates, for a specified amount which the buyer undertakes to pay in more than one payment subsequent to the making of the agreement, or not involving a finance charge and providing for the sale of goods or the rendering of services or both, or for the issuance of merchandise certificates, for a specific amount which the buyer undertakes to pay in 5 or more installments subsequent to the making of the agreement. A retail installment sales agreement shall not include an agreement signed by a nonresident buyer in this state if such buyer has agreed that the law of his state shall apply. "Retail installment sale agreement" shall also include any contract in the form of a bailment or lease if the bailee or lessee contracts to pay as compensation for use a sum substantially equivalent to or in excess of the value of goods involved; and it is agreed that the bailee or lessee will become, or for no other or for a nominal consideration has the option to become, the owner of the goods upon full compliance with his obligations under the contract. A retail installment sale agreement shall not include an agreement which provides:

- (a) For the payment of the total sale price in no more than 3 monthly installments; and
- (b) A finance charge not in excess of \$1; and
- (c) No collateral security for the seller.

VI. "Revolving credit agreement" means an agreement, other than a retail installment sale agreement, signed by the buyer in this state pursuant to which the buyer may purchase at retail, goods or services or merchandise certificates on credit from time to time and under the terms of which a finance charge is to be computed in relation to the buyer's balance from time to time. A revolving credit agreement shall not include an agreement signed by a nonresident buyer in this state if the buyer has agreed that the law of his state shall apply.

361-D:2 Payment in Full Before Maturity; Refund Credit.

I. Notwithstanding the provisions of any retail installment sale agreement to the contrary, a buyer may pay the amount due in full at any time before the maturity on the final installment thereof and, if he does so, shall receive and be entitled to receive a refund credit thereon and, if the retail installment sale agreement included an amount for insurance, a further refund credit thereon for such anticipation, whether or not the maturity of the scheduled payment of the agreement was accelerated by the holder by reason of a buyer's default.

II. Except as provided in paragraph III, such refund credit shall be computed on a method which is at least as favorable to the buyer as the so-called



actuarial method. If the prepayment is made other than on an installment due date, it shall be deemed to have been made on the first installment due date if the prepayment is before that date; and, in any other case, it shall be deemed to have been made on the next preceding or next succeeding installment due date, whichever is nearer to the date of prepayment. If a contract has been extended and is prepaid in full during an extension period, the buyer shall receive, in addition, the refund of that portion of the extension charge applicable to any unexpired months of the extension period.

III. If the amount of credit for anticipation of payment is less than \$1, no refund need be made.

IV. On contracts payable in substantially equal successive monthly installments commencing 2 or more months after the date of the contract, the computational period for refund shall commence with the date of the contract; or, if the goods are delivered or services performed 10 days or more after the date of the contract, the computational period shall commence with the date of delivery or performance of the services.

#### 361-D:3 Penalties.

1. Any installment seller who shall willfully and intentionally violate any provisions of this chapter shall be guilty of a misdemeanor.

2 Effective Date. This act shall take effect January 1, 1984, at 12:01 a.m.

HB 792, relative to the false advertising of maple products. Ought to Pass with Amendment.

HB 792 requires "truth in advertising" of maple products produced in New Hampshire. It updates regulations that have been in effect for a period of time under RSA 342-A (which will be repealed under this bill). All testimony from producers and the Commissioner of Agriculture were in favor. Vote 19-0. Rep. C. Dana Christy for Commerce, Housing and Consumer Affairs.

#### Amendment

Amend RSA 342-C:1, II as inserted by section one of the bill by striking out same and inserting in place thereof the following:

II. "Bulk maple syrup" means maple syrup packed in containers of more than one gallon.

Amend RSA 342-C:1, VIII as inserted by section one of the bill by striking out same and inserting in place thereof the following:

VIII. "Maple sap and syrup hydrometer" means a floating instrument which measures the specific gravity of a liquid and which contains a scale designed to determine the sugar content of maple sap or syrup.

Amend RSA 342-C:1 as inserted by section one of the bill by striking out paragraph XI and renumbering the original paragraphs

XII-XV to read as XI, XII, XIII and XIV, respectively.

Amend RSA 342-C:2, IV as inserted by section one of the bill by striking out same and inserting in place thereof the following:

IV. Any labeling on all other maple products which states or implies that those products were produced in New Hampshire shall be used exclusively upon pure maple products which are entirely produced within the state of New Hampshire in compliance with the terms of this chapter and the rules adopted hereunder.

Amend RSA 342-C:4, III(c) as inserted by section one of the bill by striking out same and inserting in place thereof the following:

(c) The words "blend" or "flavored" appear immediately before, after, above or below and in equal prominence and in letters of equal size to such words.

Amend RSA 342-C:6 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

#### 342-C:6 Hydrometers.

I. Maple sap and syrup hydrometers used in this state shall be tested and approved by the department.

II. All maple sap and syrup hydrometers used in this state for testing the sugar content of maple sap for the purpose of computing its selling price shall be tested by the department for accuracy. When a maple sap and syrup hydrometer has been tested and approved as meeting those standards established by rule, the commissioner may issue a certificate of accuracy.

HB 808, authorizing the bank commissioner to provide independent insuring funds with certain information relative to financial institutions. Ought to Pass.

This bill will effectively allow New Hampshire state chartered credit unions alternatives on the insuring of these members' funds by allowing the Bank Commissioner the authority to disseminate information to independent insuring funds. Vote 15-0. Rep. Catherine G. Lamy for Commerce, Housing and Consumer Affairs.

HB 809, relative to credit unions. Ought to Pass with Amendment.

This bill effectively allows parity with the federal credit union system and is geared to the changing economy. It incorporates three major changes: increases the powers of the board of directors, geared to efficiency on a day-to-day basis; expands the investment authority of credit unions under structured guidelines; and authorizes the incorporation of a corporate credit union for New Hampshire credit unions. Vote 11-0. Rep. Catherine G. Lamy for Commerce, Housing and Consumer Affairs.



## Amendments

Amend RSA 394-B:6 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

394-B:6 Approval. No credit union shall receive deposits or payments on account of shares, or make any loans, until its bylaws have been approved in writing by the bank commissioner, nor shall any amendments to its bylaws become operative until they have been so approved.

Amend RSA 394-B:15 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

394-B:15 Deposits; Loans. A credit union may receive its members' money on deposit and in payment of shares, upon such terms and in such amounts as its board of directors may prescribe. It may make loans to its members on such terms and upon such security, real or personal, as its written lending policy may prescribe.

Amend RSA 394-B:16, IV as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

IV. It may invest any surplus in obligations of the United States government, including any loans included in the Participation Sales Act of 1966, Public Law 89-429, 80 Stat. 164, or of the state, or of any county, city or town of the state issued pursuant to authority of law.

Amend RSA 394-B:16, VII as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

VII. The board of directors shall establish and maintain a written investment policy which shall be reviewed not less than annually. The board of directors may, by majority vote of such board, delegate investment authority as prescribed in the credit union's written investment policy to a committee established by, or officers designated by, the board for such purpose. All investments will be reviewed in every meeting of the board of directors.

Amend RSA 394-B:17, IV and V as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

IV. Unless the value of a credit union's assets as determined by the bank commissioner shall exceed the amount of the shares and deposits by at least 5 percent, it shall be unlawful for such credit union to invest in any preferred or common stocks, including shares of investment trusts, without the written permission of the commissioner.

V. Whenever in the opinion of the bank commissioner the condition of any credit union is such that the commissioner deems it unwise for the credit union to invest in any preferred or common stocks, including shares of investment trusts, he

may by written order forbid such credit union to make such investment, and said credit union shall not thereafter make such investment until such order shall be revoked in writing.

Amend RSA 394-B:19, I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. Obligations in the form of bonds and notes issued, assumed, or guaranteed by companies incorporated in the United States of America. All such obligations shall be rated among the 3 highest ratings of one or more rating services as defined in RSA 387:1, XVI. Convertible bonds of a lesser rating will be legal if the common stock would otherwise qualify.

Amend RSA 394-B:21, I(b) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(b) In the event that the fund employs outside investment management then those investment managers must have a total of at least \$100,000,000 under management and the fund must have been in business for at least 5 years, have net assets of \$50,000,000 and have paid dividends for at least 4 of the 5 years immediately preceding investment.

Amend RSA 394-B:24 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

394-B:24 Retention of Securities. Any security held under RSA 394-B:16 through 394-B:23 which becomes nonlegal because of changes in the law relating to legal investments or because of conditions arising subsequent to the purchase of such security, may be retained upon application to the bank commissioner for approval to retain the security.

Amend RSA 394-B as inserted by section 1 of the bill by inserting the following subdivision heading between sections 24 and 25:

## Minors; Trusts

Amend RSA 394-B as inserted by section 1 of the bill by inserting the following subdivision heading between sections 26 and 27:

## Real Estate

Amend RSA 394-B as inserted by section 1 of the bill by inserting the following subdivision heading between sections 27 and 28:

## Directors and Officers

Amend RSA 394-B:31 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

394-B:31 Terms of Directors and Officials. Directors and supervisory

committee members shall be elected for a term of not less than one year nor more than 3 years, as provided in the bylaws. If the term of the directors or supervisory committee members or both is more than one year, the directors or supervisory committee members or both shall be divided into classes, each class to be as equal in number as possible, and one class of directors or supervisory committee members or both shall be elected each year. Except as provided in RSA 394-B:32, directors and supervisory committee members shall hold their several offices until others are elected and qualified in their stead. The members of the credit committee shall be appointed for a term not to exceed one year.

Amend RSA 394-B as inserted by section 1 of the bill by striking out the subdivision heading between sections 32 and 33.

Amend RSA 394-B:34 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

394-B:34 Loan Officer. When so provided by the bylaws, the board of directors may appoint and may provide for the compensation of loan officers to act under the supervision of the credit committee and such loan officers, when so appointed and when authorized by the credit committee, may make such loans as prescribed in the lending policy, without the necessity for a meeting or approval by any member of the credit committee. Such loan officer shall not disapprove of any loan application, but shall refer any loan application which he believes should be disapproved to the credit committee for action. All loans made by the loan officer shall be reviewed by the credit committee within 31 days following approval by the loan officer.

Amend RSA 394-B:35, I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. Act upon all applications for membership or appoint a membership officer for such purpose and act upon all cases involving the possible expulsion of members;

Amend RSA 394-B:38 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

394-B:38 Borrowing. The board of directors at any regular or special meeting may, by majority vote, authorize the treasurer to borrow specified amounts of money. At no time may the total borrowing exceed 30 percent of its total paid-in shares and deposits, guaranty fund and undivided earnings without approval of the bank commissioner.

Amend RSA 394-B:41 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

394-B:41 Preliminary Audit. The supervisory committee shall at least

semi-annually conduct or cause to be conducted an audit of the books and records and an examination of the business and affairs of the credit union, or, with the approval of the bank commissioner, the credit union may engage an independent professional auditor to conduct such an audit and examination at least annually. The supervisory committee or such independent professional auditor shall conduct a thorough audit of receipts, disbursements, assets and liabilities. The supervisory committee or such independent professional auditor shall conduct 100 percent verification not less than every 2 years.

Amend RSA 394-B:43, II as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

II. The supervisory committee may, by a majority vote, call a meeting of the shareholders to consider any violation of this chapter or of the bylaws of the credit union, or any practice of the credit union, which, in the opinion of the committee, is unsafe or unauthorized.

Amend RSA 394-B:45, I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. No member of the board of directors or of either the credit or supervisory committee shall receive any compensation for his services as a member of said board or of such committee; provided, however, that if at any time any credit union organized under the provisions of this chapter shall have enlarged its business to such extent that this section may create an impediment to its proper functioning, the bank commissioner, upon petition of the board of directors, may permit said board of directors to pay such credit committee such compensation as he shall consider proper.

Amend RSA 394-B:52 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

394-B:52 Procedure. Upon a vote dissolving the credit union, the members shall elect a committee of 3 persons to liquidate the assets of the credit union. The committee shall act under the control of the bank commissioner. Each paid-in share according to the amount paid in shall be entitled to its proportional part of the assets in liquidation after all deposits and debts have been paid.

HB 810, requiring labeling of products which contain urea-formaldehyde. Ought to Pass with Amendment.

The Committee by a unanimous vote of 15-0 felt that this bill has considerable merit in the protection of consumers. The manufacturer shall attach a printed label on the product or attached to a contract of sale. Rep. C. Dana Christy for Commerce, Housing and Consumer Affairs.

## Amendment

Amend RSA 339-A:8 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

339-A:8 Sales Prohibited. No person shall manufacture or offer for sale any new particle board or fiber board or housing unit or mobile home constructed of particle board or fiber board, containing the chemical urea-formaldehyde, or any urea-formaldehyde foam insulation without a written cautionary statement to the purchaser as set forth in RSA 339-A:9.

Amend RSA 339-A:10, II as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

II. If the manufacturer does not incorporate the cautionary statement required by RSA 339-A:8 within a contract for sale, the statement shall be printed on a label containing no other written material and attached to the fiber board, particle board, or housing unit or mobile home, containing the chemical urea-formaldehyde or the urea-formaldehyde foam insulation.

HB 812-FN, authorizing towns and cities to enact rent review legislation. Inexpedient to Legislate.

The Committee felt that rent control would discourage landlords from building more rental units. Thus the shortage of housing would be increased. Vote 13-1. Rep. Harold W. Burns for Commerce, Housing and Consumer Affairs.

HB 815, relative to the flexibility of rules governing small businesses. Ought to Pass.

This bill requires each agency to consider the impact on small business when they propose any rule. Vote 13-0. Rep. Harold W. Burns for Commerce, Housing and Consumer Affairs.

HB 832-FN, establishing a community development finance authority. Ought to Pass.

The Committee believes this bill would give relief to northern depressed areas by giving them a chance to establish community development finance authorities. Vote 12-1. Rep. Edward J. Allgeyer for Commerce, Housing and Consumer Affairs.

HB 842, relative to a residential consumers utilities board. Inexpedient to Legislate.

The Committee felt this would set up a consumers' utility board by voluntary joining and paying dues. It felt such a board would represent only its own members and not the general public. The bill would give legislative sanction to this group over all other consumer groups. The first motion was to send to interim study which lost 10-3. Vote 12-1. Rep. William L. Roberts for Commerce, Housing and Consumer Affairs.

HB 512, relative to clarification of certain terms regarding school children. Ought to Pass with Amendment.

HB 512 clarifies certain terms regarding the residence of children for purposes of school district liability. It eliminates the present requirement that the State Board of Education hear special education appeals, which is no longer permitted under federal regulations. The amendment also requires that copies of the special education report of the Department of Education be conveyed to the House and Senate Education Committees. Vote 16-0. Rep. Betty Jo Taffe for Education.

## Amendment

Amend RSA 193:27, IV as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

IV. "Sending district" means the school district in which a child most recently resided other than in a home for children, health care facility, or state institution, if such child is not in the legal custody of a parent or if the parent resides outside the state; if the child is retained in the legal custody of a parent residing within the state, "sending district" means the school district in which the parent resides. Notwithstanding the previous sentence, a school district in which a child resided on a temporary basis without parental intent to remain permanently or indefinitely shall not be considered a sending district for purposes of RSA 193:29; the term "sending district" shall not include living arrangements made under a court order of a temporary or interlocutory nature.

Amend the bill by striking out section 5 and inserting in place thereof the following:

5 Report. Amend RSA 186-C:4 (supp) as inserted by 1981, 352:2 by striking out said section and inserting in place thereof the following:

186-C:4 Biennial Report. The state board of education shall report on or before January 15 of odd-numbered years to the general court concerning the education of educationally handicapped children. The report shall include a current census of educationally handicapped children by school district and handicapping condition, the extent to which their educational needs are being met, recommendations as to the educational needs of handicapped children, and an account of expenditures for educationally handicapped children. In addition to any other copies distributed, one copy of the report shall be submitted to the education committee of the house of representatives and one copy to the education committee of the senate.

6 Effective Date. This act shall take effect 60 days after its passage.

HB 525-FN, relative to the liability for the placement of children. Inexpedient to Legislate.

HB 525 would require the court to order the person chargeable by law for a child's support to reimburse the town for expenses of a court-ordered disposition, as may be reasonable and just. The Committee feels this should be left to the discretion of the court, as the law presently provides. Vote 17-0. Rep. Betty Jo Taffe for Education.

HB 658, relative to special education for certain minors and children. Ought to Pass with Amendment.

HB 658 as amended authorizes the court under juvenile proceedings to join the legally liable school district to direct the district to determine if the child is educationally handicapped under RSA 186-C. It provides that no school district shall pay for educational programs except as provided by RSA 186-C. The bill is needed to provide coordination between the schools and the courts. It does not require the school districts to do anything not already required under RSA 186-C. Vote 16-1. Rep. Betty Jo Taffe for Education.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Special Education Program; Delinquent Minors. Amend RSA 169-B:22 (supp) as inserted by 1979, 361:2 by striking out said section and inserting in place thereof the following:

169-B:22 Disposition of Educationally Handicapped Minor. At any point during the proceedings, the court, either on its own motion or that of any other person, may join the legally liable school district for the limited purposes of directing the school district to determine whether the minor is educationally handicapped as defined in RSA 186-C or, if the minor has already been determined to be educationally handicapped, of directing the school district to review the services offered or provided under RSA 186-C. If the school district finds or has found that the minor is educationally handicapped, or if it is found that the minor is educationally handicapped on appeal from the school district's decision in accordance with the due process procedures of RSA 186-C, the school district shall offer an appropriate educational program and placement in accordance with RSA 186-C.

2 Special Education Program; Abused and Neglected Children. Amend RSA 169-C:20 (supp) as inserted by 1979, 361:2 by striking out said section and inserting in place thereof the following:

169-C:20 Disposition of Educationally Handicapped Child. At any point during the proceedings, the court, either on its own motion or that of any other person, may join the legally liable school district for the limited purposes of directing the school district to determine whether the child is educationally handicapped as defined in RSA 186-C or, if the child has already been determined to be educationally handicapped,

of directing the school district to review the services offered or provided under RSA 186-C. If the school district finds or has found that the child is educationally handicapped, or if it is found that the child is educationally handicapped on appeal from the school district's decision in accordance with the due process procedures of RSA 186-C, the school district shall offer an appropriate educational program and placement in accordance with RSA 186-C.

3 Special Education Program; Children in Need of Services. Amend RSA 169-D:18 (supp) as inserted by 1979, 361:2 by striking out said section and inserting in place thereof the following:

169-D:22 Disposition of Educationally Handicapped Child. At any point during the proceedings, the court, either on its own motion or that of any other person, may join the legally liable school district for the limited purposes of directing the school district to determine whether the child is educationally handicapped as defined in RSA 186-C or, if the child has already been determined to be educationally handicapped, of directing the school district to review the services offered or provided under RSA 186-C. If the school district finds or has found that the child is educationally handicapped, or if it is found that the child is educationally handicapped on appeal from the school district's decision in accordance with the due process procedures of RSA 186-C, the school district shall offer an appropriate educational program and placement in accordance with RSA 186-C.

4 Liability. Amend RSA 169-B:40, I (supp) as inserted by 1979, 361:2 as amended by striking out said paragraph and inserting in place thereof the following:

I. Whenever an order creating liability for expenses is issued by the court under this chapter, any expenses incurred shall be payable by the town in which the minor resides at the time the petition is filed or, if the residence cannot be determined, by the town in which the minor is taken into custody. Either town shall have a right of action over for such expenses against the town or city of settlement of a parent having custody of the minor, or the county in which a parent having custody resides if such parent does not have a settlement or the person chargeable by law for the minor's support and necessities. If a town cannot collect for such payments made in behalf of a minor, the payments shall be considered assistance to a pauper as to the person chargeable by law for the minor's support and necessities; and such person shall be subject to a loss of settlement in accordance with the provisions of RSA 164-A:5 provided that such person has a settlement in such town. The court shall require the individual chargeable by law for the minor's support and necessities to submit a financial statement to the court upon which the court may make an order as to reimbursement to the appropriate legally liable unit as may be reasonable and just, based on the person's ability to pay. Notwithstanding the above, expenses arising under RSA 186-C, including the identification, evaluation, special



education program and placement of educationally handicapped minors shall be payable in accordance with RSA 186-C. No school district shall be required to pay the expenses of the education program except as provided by RSA 186-C.

5 Liability. Amend RSA 169-C:27, I (supp) as inserted by 1979, 361:2 as amended by striking out said paragraph and inserting in place thereof the following:

I. Whenever an order creating liability for expenses is issued by the court under this chapter, any expenses incurred shall be payable by the town in which the child resides at the time the petition is filed or, if the residence cannot be determined, by the town in which the child is taken into custody. Either town shall have a right of action over for such expenses against the town or city of settlement of a parent having custody of the child, or the county in which a parent having custody resides if such parent does not have a settlement, or the person chargeable by law for the child's support and necessities. If a town cannot collect for such payments made in behalf of a child, the payments shall be considered assistance to a pauper as to the person chargeable by law for the child's support and necessities; and such person shall be subject to a loss of settlement in accordance with the provisions of RSA 164-A:5 provided that such person has a settlement in such town. The court shall require the individual chargeable by law for the child's support and necessities to submit a financial statement to the court upon which the court may make an order as to reimbursement to the appropriate legally liable unit as may be reasonable and just, based on the person's ability to pay. Notwithstanding the above, expenses arising under RSA 186-C including the identification, evaluation, special education program and placement of educationally handicapped children shall be payable in accordance with RSA 186-C. No school district shall be required to pay the expenses of the education program except as provided by RSA 186-C.

6 Liability. Amend RSA 169-D:29, I (supp) as inserted by 1979, 361:2 as amended by striking out said paragraph and inserting in place thereof the following:

I. Whenever an order creating liability for expenses is issued by the court under this chapter, any expenses incurred shall be payable by the town in which the child resides at the time the petition is filed or, if the residence cannot be determined, by the town in which the child is taken into custody. Either town shall have a right of action over for such expenses against the town or city of settlement of a parent having custody of the child, or the county in which a parent having custody resides if such parent does not have a settlement, or the person chargeable by law for the child's support and necessities. If a town cannot collect for such payments made in behalf of a child, the payments shall be considered assistance to a pauper as to the person chargeable by law for the child's support and necessities; and such person shall be subject to a loss

of settlement in accordance with the provisions of RSA 164-A:5 provided that such person has a settlement in such town. The court shall require the individual chargeable by law for the child's support and necessities to submit a financial statement to the court upon which the court may make an order as to reimbursement to the appropriate legally liable unit as may be reasonable and just, based on the person's ability to pay. Notwithstanding the above, expenses arising under RSA 186-C including the identification, evaluation, special education program and placement of educationally handicapped children shall be payable in accordance with RSA 186-C. No school district shall be required to pay the expenses of the education program except as provided by RSA 186-C.

7 Information in Summons. Amend RSA 169-B:7, III (supp) as inserted by 1979, 361:2 by striking out said paragraph and inserting in place thereof the following:

III. The summons shall contain a notice of the right to representation by counsel and the available procedures for obtaining counsel. The summons shall also state as follows: "Parents and other individuals chargeable by law for the minor's support and necessities may be liable for expenses incurred in this proceeding including the costs of certain evaluations and placements. RSA 186-C regarding educationally handicapped children grants minors and their parents certain rights to services from school districts at public expense and to appeal school district decisions regarding services to be provided."

8 Information in Summons. Amend RSA 169-C:8, III (supp) as inserted by 1979, 361:2 by striking out said paragraph and inserting in place thereof the following:

III. The summons shall contain a notice that the child shall have an attorney, appointed by the court. The summons shall also state as follows: "Parents and other individuals chargeable by law for the child's support and necessities may be liable for expenses incurred in this proceeding including the costs of certain evaluations and placements. RSA 186-C regarding educationally handicapped children grants children and their parents certain rights to services from school districts at public expense and to appeal school district decisions regarding services to be provided."

9 Information in Summons. Amend RSA 169-D:6, III (supp) as inserted by 1979, 361:2 by striking out said paragraph and inserting in place thereof the following:

III. The summons shall contain a notice of the child's right to representation by counsel and the available procedures for obtaining counsel. The summons shall also state as follows: "Parents and other individuals chargeable by law for the child's support and necessities may be liable for expenses incurred in this proceeding including the costs of certain evaluations and placements. RSA 186-C regarding educationally handicapped children grants children and their parents certain rights to services from school districts at public expense and to appeal school district decisions regarding services to be provided."

10 New Section; Special Education Liability. Amend RSA 186-C by inserting after section 19 the following new section:

186-C:19-a Educationally Handicapped Children at the Youth Development Center and the State Prison. For an educationally handicapped child at the youth development center or the state prison, the school district liability for educational expenses shall be determined in accordance with RSA 126-A:49.

11 Effective Date. This act shall take effect 60 days after its passage.

HB 786-FN, relative to delinquent children, abused and neglected children, and children in need of services. Refer for Interim Study.

This bill should be referred to interim study to allow the Education Committee to further investigate the relationship between the juvenile court process and special education. Vote 17-0. Rep. Mary S. Nelson for Education.

HB 611-FN, relative to regulation of spraying residential neighborhoods with hazardous pesticides. Ought to Pass with Amendment.

This bill directs the Pesticides Control Board to adopt rules which establish conditions and procedures under which a public hearing shall be held. Amended to require prior approval of a permit for the aerial application of pesticides in residential neighborhoods. Vote 17-0. Rep. Irene J. Shepard for Environment and Agriculture.

#### Amendment

Amend RSA 149-D:7, VII as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

VII. Establish conditions and procedures under which a public hearing shall be held prior to consideration of a request for a special permit for the aerial application of pesticides in residential neighborhoods.

HB 702-FN, providing for the licensing of transporters of hazardous materials and wastes and defining the penalty structure and rulemaking process for hazardous materials or wastes transportation. Ought to Pass with Amendment.

This bill provides for the licensing of transporters of hazardous wastes and defines the penalty structure and rulemaking process for hazardous materials or wastes' transportation. Vote 17-0. Rep. Eleanor M. Anderson for Environment and Agriculture.

#### Amendment

Amend RSA 106-A:20, I and II as inserted by section 5 of the bill by striking out same and inserting in place thereof the following:

I. Every person, including a private carrier or a common or contract carrier, who operates a vehicle on the ways

of this state transporting hazardous material or waste in such quantity and under such conditions that he is required to be placarded pursuant to part 172.101 of title 49 of the Code of Federal Regulations, to meet the manifest requirements set forth by part 262 of title 40 of the Code of Federal Regulations, or to meet the manifest requirements as set forth under the rules of the bureau of solid waste management, division of public health services, department of health and welfare, shall first procure from the department of safety an annual license or single trip license for each vehicle so driven. This license shall be available for examination and shall be displayed in accordance with rules adopted by the commissioner of safety.

11. The provisions of paragraph I shall not apply to any vehicle owned or operated by the federal government or any political subdivision thereof, nor to properly registered agricultural vehicles used in a bona fide farming operation, nor to any vehicle when used during an emergency with the specific approval of a peace officer, fire chief, designated official of the department of health and welfare, or the state fire marshal. The provisions of paragraph I shall not apply to any vehicle which has been issued a permit by the division of public health services for the transportation of wastes within the state under RSA 147-A:6 and rules adopted under RSA 147-A, provided that this exemption shall apply only to those hazardous materials or wastes within the vehicle which are subject to the permit issued by the division of public health services or exempted under federal law. The provisions of paragraph I shall not apply to any person duly licensed under the provisions of RSA 158:9-b who stores and handles explosives while transporting 50 pounds or less of gunpowder, sporting propellants or primers from one location to another, nor to any sportsman transporting 50 pounds or less of gunpowder, sporting propellants or primers for his own use.

Referred to Appropriations.

HB 454-FN, permitting group II members who reach age 65 to make an election for retirement benefits. Ought to Pass with Amendment.

The Committee believes that Group II members with active service dating prior to July 1, 1979, should be able to retire at age 65 with pro-rated benefits. In addition, those employed subsequent to June 30, 1979, should also be permitted to retire upon reaching age 65 provided that the employee has become vested in the New Hampshire retirement system. Vote 16-0. Rep. William Gregorio for Executive Departments and Administration.

#### Amendment

Amend the bill by striking out section one and inserting in place thereof the following:



1 Retirement Benefits for Certain Group II Members. Amend RSA 100-A:5, 11(a)(supp) as inserted by 1967, 134:1 as amended by striking out said subparagraph and inserting in place thereof the following:

(a) Any group II member in service who has attained age 45 and completed 20 years of creditable service may retire on a service retirement allowance. Any group II member in service prior to July 1, 1979, who has attained age 65 but who has not completed 20 years of creditable service may elect to retire and to receive a prorated service retirement allowance which is based upon the member's actual salary and creditable service at the time he elects to retire. Any group II member in service subsequent to June 30, 1979, who has attained age 65 but who has not completed 20 years of creditable service may elect to retire and to receive a prorated service retirement allowance which is based upon the member's actual salary and creditable service at the time he elects to retire, provided that his creditable service shall be no less than that required for a vested deferred retirement allowance as set forth in RSA 100-A:10, 11(a). A member in any of the above categories may retire upon written application to the board of trustees setting forth at what time, not less than 30 days nor more than 90 days subsequent to the filing thereof, he desires to be retired, notwithstanding that during such period of notification he may have separated from service.

HB 468, modifying the composition of the state council on aging. Ought to Pass with Amendment.

The Committee has preserved the intent of the bill by providing definite representation on the Council on Aging from each county. In addition, certain criteria common to other boards have been added by amendment. Vote 18-0. Rep. Dean Dexter for Executive Departments and Administration.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to the state council on aging.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Representation by County. Amend RSA 167-A:1 as inserted by 1957, 264:1 as amended by striking out said section and inserting in place thereof the following: 167-A:1 Council Established.

1. There shall be a state council on aging which shall consist of 11 members. One member shall be appointed from each of 9 of the state's 10 counties by the governor with the approval of council. These 9 members shall not be members of the New Hampshire general court. Each of these members shall serve for a term of 3 years,

provided that of the first appointments made under this section, 3 persons shall serve for a term of one year, 3 for a term of 2 years, and 3 for a term of 3 years. In addition, there shall be one member of the senate appointed by the president of the senate and one member of the house of representatives appointed by the speaker of the house, each of whom shall hold office for the term for which he was elected and one of whom shall be from the county not represented by any of the 9 nonlegislative members. At least 6 members shall be the age of 60 or over at the time of their appointment, and not more than 6 members shall be of the same political party. No member shall serve more than 2 consecutive terms, nor have a material financial interest in any agency receiving federal or other funds administered by the council.

11. The following 4 persons shall serve on the council in an advisory capacity: the commissioner of health and welfare, the commissioner of education, the commissioner of employment security and the director of university extension service. In case any department member is unable to serve in said capacity, he may appoint a representative from his department to serve in such advisory capacity.

2 Contract Approval. Amend RSA 167-A:8 as inserted by 1969, 112:4 by striking out said section and inserting in place thereof the following:

167-A:8 Director. The council shall appoint a director who shall be a classified state employee. Said director, subject to the approval of the council, shall, within the limits of available funds, appoint such assistants and employees and employ professional consultants as are deemed necessary to carry out the provisions of this chapter. He shall also make contracts, subject to the approval of the council on aging and the approval of the governor and council, for such services and projects as are deemed necessary to carry out the provisions of this chapter. Said director shall attend all meetings of the council and shall be responsible for implementing policies and programs under this chapter, provided that said implementation shall be subject to review by the council for effectiveness and conformance.

3 Current Members. Notwithstanding the provisions of RSA 167-A:1, the term of office of each member of the council holding office on the effective date of this act shall terminate on said date; provided, however, that those members whose terms of office shall terminate under this section shall be eligible for reappointment.

4 Effective Date. This act shall take effect 60 days after its passage.

HB 565-FN, changing the name of the department of health and welfare to the department of health and human services. Ought to Pass with Amendment.

This bill simply changes the name of the Department of Health and Welfare to the Department of Health and Human Services in order to conform with the designation of the comparable federal agency. Vote 19-0. Rep. Kathleen W. Ward for Executive Departments and Administration.

## Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

## 1 References.

I. The name of the department of health and welfare is hereby changed to the department of health and human services.

II. The name of the division of welfare, department of health and welfare is hereby changed to the division of human services, department of health and human services.

2 Authority to Conform Laws. The director of legislative services is hereby authorized, with the approval of the speaker of the house and the president of the senate, to make changes in the printed version of all laws and rules, and all legislation enacted by the 1983 session of the general court that may be necessary for the purpose of conforming the language of such laws, rules or legislation to the language of this act, provided that no substantive changes may thereby be made. Such authority shall expire upon the printing of the 1983 session laws.

3 Effective Date. This act shall take effect 60 days after its passage.

HB 579, relative to the impact of computerizing state agencies. Ought to Pass with Amendment.

This bill directs the Sunset Committee to include within its report on programs and agencies under review a statement on the progress toward computer processing in the particular agency or program, if applicable. Vote 14-0. Rep. Victor Joos for Executive Departments and Administration.

## Amendment

Amend RSA 17-G:8, II(f) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(f) The agency's or program's progress toward applying the benefits, economies, and efficiencies of computer processing to its operations, if and where applicable.

HB 590, requiring notification of procedures for the emergency withdrawal of accumulated contributions from the retirement system. Inexpedient to Legislate.

The Committee believes that the legislation of the notification of procedures was not necessary. The New Hampshire Retirement System will immediately notify all member agencies of these procedures and, in addition, will send notification to all retirement participants upon receipt of the members written notice to terminate participation in the retirement system. Vote 16-0. Rep. Wayne D. King for Executive Departments and Administration.

HB 612-FN, authorizing the retirement system board of trustees to collect delinquent account penalties through small claims or superior court. Inexpedient to Legislate.

This proposed subject matter has already been addressed by the Committee in other legislation. Vote 20-0. Rep. Janet R. Pelley for Executive Departments and Administration.

HB 613-FN, increasing the rate of the delinquent account penalty which is assessed by the retirement system board of trustees. Ought to Pass with Amendment.

The Committee believes that the rate of the delinquent account penalty should be increased from 1/2 percent to encourage employer contributor payments on time. Vote 20-0. Rep. Kathleen W. Ward for Executive Departments and Administration.

## Amendment

Amend the bill by striking out section one and inserting in place thereof the following:

1 Change in Interest Rate Penalty. Amend RSA 100-A:16, V as inserted by 1969, 354:4 by striking out in line 4 the fraction and words "1/2 of one" and inserting in place thereof the following (one) so that said paragraph as amended shall read as follows:

V. Notwithstanding any other provision of law, any member contributions deducted by an employer, or any employer assessments or contributions not remitted at the times designated by the board of trustees, shall be subject to interest on the amount due at the rate of one percent for each month or fraction thereof that they remain unpaid. For reasonable cause, the board may abate all or any part of the interest.

HB 615, permitting benefit payment deductions for group carriers other than Blue Cross. Ought to Pass with Amendment. The Committee believes that payment deductions for group medical insurance should not be limited to a single carrier as it now is. In addition, employers who fail to enroll an employee within the prescribed registration restraint shall be required to pay the actuarial fee for enrollment. Vote 17-0. Rep. Kenneth W. Malcolm for Executive Departments and Administration.

## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

permitting benefit payment deductions for group carriers other than Blue Cross and relative to the payment of actuarial fees.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Payment of Actuarial Fee by Employer. Amend RSA 100-A:3, VI (supp) as inserted by 1974, 35:19 as amended by striking out said paragraph and inserting in place thereof the following:

VI. If a member of this system or a predecessor system ceases to be a member and withdraws his accumulated contributions, and later again becomes a member and wishes to receive prior service credit for the previous time served as a member, or if a member wished to receive credit for the period which he was employed in a temporary capacity previous to becoming a member, he may petition the board of trustees to obtain an actuary's statement indicating the costs, providing he agrees to pay for the statement; and upon payment of the amount determined by the actuary and with approval of the board, he shall receive credit for his previous service, or the period served in a temporary capacity. In the case of an employer which through its own fault and not the fault of the employee, failed to enroll an eligible employee, at the time such employee became eligible, in this retirement system or a predecessor system as required by this section, the employer and not the employee shall pay the cost of the actuary's statement obtained under this paragraph, regardless of whether the employee is actually credited for his prior service. Any member who wishes to receive credit for service in a temporary capacity prior to becoming a member shall pay both the member annuity savings fund share plus accumulated earnings thereon and the state annuity accumulation fund share plus accumulated earnings thereon before receiving credit for such temporary service.

3 Effective Date. This act shall take effect July 1, 1983.

HB 616, relative to the payment of actuarial fees by certain employers. Inexpedient to Legislate.

The subject matter of this bill has been adequately addressed by the Committee in HB 615. Vote 18-0. Rep. Kenneth W. Malcolm for Executive Departments and Administration.

HB 617-FN, relative to employee benefits after his employer's withdrawal from the retirement system. Ought to Pass.

The Committee agrees that certain employers who desire to withdraw from the New Hampshire Retirement System should present to the Board of Trustees a certified report from an enrolled actuary. Vote 21-0. Rep. Harold W. Watson for Executive Departments and Administration.

HB 633-FN, relative to benefits for part-time state employees. Refer for Interim Study.

The Committee felt that this was a very good concept and one which could be strengthened through further study to truly benefit both the state and its employees. However, there were some issues which could not be addressed within the time constraints. Vote 13-4. Rep. Wayne D. King for Executive Departments and Administration.

HB 654-FN, establishing a state fair authority. Inexpedient to Legislate. The Committee believes that no clear need was established to interfere in the private sectors at this time. Vote 18-0. Rep. V. Michael Hutchings for Executive Departments and Administration.

HB 656-FN, establishing a controlled substances board and making an appropriation therefor. Ought to Pass with Amendment.

This bill is a result of the Governor's Task Force on Drug Abuse. Vote 18-0. Rep. Wayne D. King for Executive Departments and Administration.

#### Amendment

Amend RSA 318-C:1 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

318-C:1 Definitions. As used in this chapter the following terms shall have the following meanings, unless the context requires otherwise:

I. "Abuse of drugs" means the use of controlled substances solely for their stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system and not as a therapeutic agent recommended by a practitioner in the course of medical treatment or in a program of research operated under the direction of a physician, pharmacologist, physiologist or chemist.

II. "Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by:

(a) A practitioner, or his authorized agent; or

(b) The patient or research subject at the direction and in the presence of the practitioner.

III. "Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.

IV. "Animal shelter facility" means a facility including the building and the immediate surrounding area which is used to house or contain animals and which is owned, operated and maintained by a duly incorporated humane society, animal welfare society, society for the prevention of cruelty to animals or other nonprofit organization devoted to the welfare, protection and humane treatment of animals. For the purposes of this paragraph, such facility must be inspected and licensed by the state department of agriculture.

V. "Controlled substance" means a drug, substance, or immediate precursor in schedules I through V.

VI. "Counterfeit substance" means a controlled substance which, or the container labeling of which, without authorization, bears the trademark, trade name, or other identifying mark, imprint, number or device, or any likeness thereof, of a manufacturer, distributor, or dispenser

other than the person who in fact manufactured, distributed, or dispensed the substance.

VII. "Deliver or delivery" means the actual, constructive, or attempted transfer from one person to another of a controlled substance, whether or not there is an agency relationship.

VIII. "Dispense" means to deliver a controlled substance to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing, administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery.

IX. "Dispenser" means a practitioner who dispenses.

X. "Distribute" means to deliver other than by administering or dispensing a controlled substance.

XI. "Distributor" means a person who distributes.

XII. "Diversion" means the transfer of any controlled substance from a licit to an illicit channel of distribution or use.

XIII. "Drug" means: (a) substances recognized as drugs in the official United States Pharmacopoeia, official Homeopathic Pharmacopoeia of the United States, or official National Formulary, or any supplement to any of them; (b) substances intended to use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (c) substances, other than food, alcohol and tobacco, intended to affect the structure or any function of the body of man or animals; and (d) substances intended for use as a component of any article specified in subparagraphs (a), (b), or (c). It does not include devices or their components, parts, or accessories.

XIV. "Drug paraphernalia" means all equipment, products and materials of any kind which are used or intended for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of this chapter. It includes, but is not limited to:

(a) Kits used or intended for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;

(b) Kits used or intended for use in manufacturing, compounding, converting, producing, processing, or preparing controlled substances;

(c) Isomerization devices used or intended for use in increasing the potency of any species of plant which is a controlled substance;

(d) Testing equipment used or intended for use in identifying, or in analyzing the strength, effectiveness, or purity of controlled substances;

(e) Scales and balances used or intended for use in weighing or measuring controlled substances;

(f) Dilutants and adulterants, such as quinine hydrochloride, mannitol, mannite, dextrose and lactose, used or intended for use in cutting controlled substances;

(g) Separation gins and sifters used or intended for use in removing twigs and seeds from, or in otherwise cleaning or refining marihuana;

(h) Blenders, bowls, containers, spoons and mixing devices used or intended for use in compounding controlled substances;

(i) Capsules, balloons, envelopes and other containers used or intended for use in packaging small quantities of controlled substances;

(j) Containers and other objects used or intended for use in storing or concealing controlled substances;

(k) Objects used or intended for use in ingesting, inhaling or otherwise introducing marihuana, cocaine, hashish, or hashish oil into the human body such as:

(1) Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;

(2) Water pipes;

(3) Carburetion tubes and devices;

(4) Smoking and carburetion masks;

(5) Chamber pipes;

(6) Carburetor pipes;

(7) Electric pipes;

(8) Air-driven pipes;

(9) Chillums;

(10) Bongs;

(11) Ice pipes or

chillers.

XV. "Educational institution" means an institution which uses controlled substances primarily for research and instructional purposes.

XVI. "Health care facility" means any facility which provides personal care or services under medical supervision to humans, and dispenses or stores controlled substances.

XVII. "Immediate precursor" means a substance which the controlled substances board has found to be and by rule designates as being the principal compound commonly used or produced primarily for use and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture.

XVIII. "Laboratory" means a scientific or medical establishment entrusted with the custody of controlled substances and the use of controlled substances for scientific and medical purposes and for purposes of instruction, research or analysis.

XIX. "Manufacture" means the production, preparation, propagation, compounding, conversion or processing of a controlled substance, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of



extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container, except that this term does not include the preparation or compounding of a controlled substance by an individual for his own use or the preparation, compounding, packaging, or labeling of a controlled substance:

(a) By a practitioner as an incident to his administering or dispensing of a controlled substance in the course of his professional practice; or

(b) By a practitioner, or by his authorized agent under his supervision, for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale.

XX. "Marihuana" means all parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted therefrom, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination.

XXI. "Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(a) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate.

(b) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in subparagraph (a), but not including the isoquinoline alkaloids of opium.

(c) Opium poppy or poppy straw.

XXII. "Official written order" means an order written on a form provided for that purpose by the United States Department of Justice under the laws of the United States making provision therefor, if such order forms are authorized and required by federal law, or conforming to the requirements of such a form and provided by the division of public health services or if no such order form is provided, on an official form provided for that purpose by the division of public health services.

XXIII. "Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under RSA 318-C:17, the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

XXIV. "Opium poppy" means the plant of the species *Papaver somniferum* L., except its seeds.

XXV. "Person" means individual, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership or association, or any other legal entity.

XXVI. "Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

XXVII. "Potential for abuse" means that there is a likelihood that a drug will be used solely for its stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system as distinguished from use recommended by a practitioner as a therapeutic agent in a course of medical treatment or in a program of research operated under the direction of a physician or pharmacologist.

XXVIII. "Practitioner" means:

(a) A physician, dentist, veterinarian, scientific investigator, chemical analyst, manufacturer, podiatrist, researcher, teacher, agents or employees of a registered manufacturer commonly referred to as "detailmen," pharmacist, advanced registered nurse practitioner, or other person licensed, registered or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of his professional practice or research in this state.

(b) A pharmacy, hospital or other institution licensed, registered, or otherwise permitted to distribute, dispense, conduct research with respect to or to administer a controlled substance in the course of professional practice or research in this state.

XXIX. "Prescribe" means order or designate a remedy or any preparation containing controlled drugs.

XXX. "Prescription" means a written or oral order for any controlled drug or preparation from a licensed practitioner to a pharmacist for a patient.

XXXI. "Production" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance.

XXXII. "Registrant" means all persons, institutions, organizations and corporations subject to registration under this law and includes all of the above subject to Drug Enforcement Administration controlled substances registration.

XXXIII. "Sale" means barter, exchange or gift, or offer thereof, and each such transaction made by any person whether as principal, proprietor, agent, servant, or employee.

XXXIV. "State," when applied to a part of the United States, includes any state, district, commonwealth, territory, insular possession thereof, and any area subject to the legal authority of the United States of America.

XXXV. "Ultimate user" means a person who lawfully possesses a controlled substance for his own use or for the use of a member of the household or for administering to an animal owned by him or by a member of the household.

XXXVI. "Wholesaler" means a person who supplies controlled drugs that he has not produced or prepared to hospitals, practitioners, pharmacies, other wholesalers, manufacturers and federal, state and municipal agencies.

Amend RSA 318-C:7 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

318-C:7 Registration. Every person who is required to be registered with the controlled substances board shall register as follows:

I. Every person other than a licensed pharmacist shall register if he:

(a) Manufactures, distributes, or dispenses any controlled substance;

(b) Uses any controlled substance in research, teaching, or chemical analysis;

(c) Possesses controlled substances with the intent to manufacture, distribute, dispense or administer any such substance;

(d) Possesses controlled substances with the intent to conduct research, teaching or chemical analysis using any such substance;

(e) Is a wholesale druggist;

(f) Is an educational institution; the individuals within the educational institution who will be using controlled substances must be registered with the institution and assigned a subregistration number by the educational institution, which must appear along with the individual's name and the specific controlled substances he may use on the educational institution's license granted by the controlled substances board.

II. Any person or practitioner who is eligible for a Drug Enforcement Administration controlled substances registration shall be registered with the state. Persons or practitioners required to be registered for controlled substances shall register separately for each of one of the following business or professional activities applicable to him:

- (a) Chemical analyst.
- (b) Dentist.
- (c) Health care facility.
- (d) Manufacturer.
- (e) Physician.
- (f) Podiatrist.
- (g) Researcher.
- (h) Scientific laboratory.
- (i) Teacher.
- (j) Veterinarian.
- (k) Agents or employees of a

registered manufacturer commonly referred to as "detailmen."

- (l) Pharmacy.
- (m) Animal shelter facility.

III. A person involved in the qualitative or quantitative analysis of controlled substances within a scientific laboratory is required to register as an individual chemical analyst; the scientific laboratory is also required to register.

IV. A hospital or other health care facility is required to register if it

possesses controlled substances which are safeguarded for or intended to be dispensed to any patient.

V. A teacher or researcher person in a teaching institution using controlled substances for instructional or research purposes is not required to register with the controlled substances board, but the teaching institution is required to register with the controlled substances board.

VI. Personnel in an animal shelter facility using controlled drugs for the treatment or euthanasia of animals in the care of the facility are not required to register with the controlled substances board, but the animal shelter facility is required to register with the controlled substances board.

VII. An individual subject to this chapter shall register annually with the controlled substances board during the month of his birth. All other persons subject to this chapter shall register annually during the month of January.

Amend RSA 318-C:8, VI as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

VI. An intern, fellow, medical officer, or other authorized person may dispense controlled substances under the registration of the hospital or other registered health care facility or registered animal shelter facility by which he is employed and a "responsible person," as defined by the institution, may dispense controlled substances only at the direction of a practitioner in the course of his professional practice, under the registration of the registered health care facility or registered animal shelter facility by which such person is employed, in lieu of being registered himself provided that:

(a) He is authorized to dispense controlled substances in accordance with existing state laws, if applicable;

(b) Such dispensing is done in the usual course of his professional practice;

(c) Such person is acting only within the scope of his employment in the hospital, other registered health care facility or registered animal shelter facility;

(d) The hospital, other registered health care facility or registered animal shelter facility authorizes the person to dispense controlled substances under the registration number of the hospital, other registered health care facility or registered animal shelter facility and designates a specific internal code to consist of a numeric suffix to the facility registration number preceded by a hyphen for each such person so authorized; and

(e) The hospital, other registered health care facility or registered animal shelter facility maintains a current list of internal codes and makes such codes available at all times to other registrants, the controlled substances



board, and authorized law enforcement agencies.

Referred to Appropriations.

HB 657, relative to the administrative procedures act. Ought to Pass with Amendment.

This bill amends the Administrative Procedures Act to provide uniform hearing procedures for all state agencies. The Supreme Court has called for such a bill and the Attorney General's Office assisted in drafting this bill. This bill will assure due process hearing procedures for the benefit of the public. Vote 19-0. Rep. Kathleen W. Ward for Executive Departments and Administration.

Amendment

Amend the bill by striking out all after section 7 and inserting in place thereof the following:

8 Bureau of Solid Waste Management.

Amend RSA 147-A:4 by inserting after paragraph VI the following new paragraph:

VII. In administering this section, the bureau shall be exempt from the provisions of RSA 541-A:11, II, but shall act on all matters before it under this section in as expeditious a manner as the law permits.

9 Commission for Human Rights. Amend RSA 354-A:9 by inserting after paragraph III the following new paragraph:

IV. In administering this section, the commission shall be exempt from the provisions of RSA 541-A:11, II, but shall act on all matters before it under this section in as expeditious a manner as the law permits.

10 Effective Date. This act shall take effect 60 days after its passage.

HB 659-FN, relative to occupational and professional regulation. Ought to Pass with Amendment.

This bill provides for clerical and other ancillary services to all the health-related boards. It does not change the boards' authority as presently written into the RSA. The Director of the Division of Public Health will coordinate these activities, thus eliminating present duplication and provide for automation of the licensing function. Vote 12-0. Rep. Kathleen W. Ward for Executive Departments and Administration.

Amendment

Amend RSA 332-G:4, 1(d) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(d) administration of clerical aspects of examinations;

Amend RSA 332-G:5, III as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

III. The director shall prepare an annual report to be presented to the governor and council and to the oversight committees of the senate and house of representatives, which may include recommendations regarding operations of the bureau and the boards it serves including adoption of standardized license renewal cycles wherever feasible.

Amend RSA 332-G:7, III as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

III. The director shall refer all meritorious complaints to a qualified investigator for investigation and report. Investigators shall prepare a written report of the results of each investigation. A report shall have appended to it any documentary or other physical evidence, including statements of witnesses, obtained by the investigator.

Amend RSA 5:13 as inserted by section 5 of the bill by striking out same and inserting in place thereof the following:

5:13 Commissions and Boards Functioning Within Department. The ballot law commission, the boxing and wrestling commission, the board of accountancy, the board of architects, and the board of engineers, shall each function within the department of state as a separate organizational entity, as heretofore constituted, and with all the powers and duties as heretofore provided, except as otherwise specified herein.

Referred to Appropriations.

HB 661-FN, relative to aesthetician licensing. Inexpedient to Legislate.

The Committee believes that no clear need was established by the supporters of this piece of legislation at this time. Vote 17-1. Rep. V. Michael Hutchings for Executive Departments and Administration.

HB 662-FN, relative to the license fees and qualifications for barbers and cosmetologists. Inexpedient to Legislate.

The Committee believes that the appropriate procedure for establishing license fees and qualifications should remain with the Board of Barbering and Cosmetology. Vote 18-0. Rep. V. Michael Hutchings for Executive Departments and Administration.

HB 663, relative to barber and cosmetologist continuing education requirements for license renewal. Inexpedient to Legislate.

The Committee believes that continuing education is better done by the industry producing the various products used in the "hair care" process. Vote 20-0. Rep. V. Michael Hutchings for Executive Departments and Administration.

HB 684-FN, relative to responsibility for the payment of accrued liability by

political subdivisions and certain specialized schools which withdraw from the retirement system. Ought to Pass.

The Committee believes that employers should be required to pay the balance of the unfunded accrued liability on a pro-rated basis for its employees' retirement benefits when the employer withdraws completely from the retirement system. Vote 16-0. Rep. Wayne D. King for Executive Departments and Administration.

HB 693-FN, relative to returning retirement system members' accumulated contributions. Ought to Pass with Amendment.

The Committee believes that a group I member should certify that there will be a minimum 30-day break in active service before the member will again participate in Group I. Vote 16-0. Rep. William Gregorio for Executive Departments and Administration.

#### Amendment

Amend the bill by striking out section one and inserting in place thereof the following:

1 Thirty Day Grace Period Before Return of Contributions. Amend RSA 100-A:11, 1(a) as inserted by 1967, 134:1 as amended by striking out said subparagraph and inserting in place thereof the following:

(a) If a group I member ceases to be an employee or teacher for reasons other than retirement or death and if he has not elected to receive a vested deferred retirement allowance under RSA 100-A:10, the amount of his accumulated contributions shall be paid to him within 3 months after his written request therefor, provided that the member may not file a written request for such payment until at least 30 days from the date the member ceases to be an employee or a teacher and provided that the member may not again become a group I member during said 30-day period. If a group I member ceases to be a member because of absence from service for more than 6 years in any period of 7 consecutive years after last becoming a member, his accumulated contributions shall be paid to him within 3 months after the board is notified to that effect.

HB 695, relative to withdrawal and fringe benefits for certain unclassified state employees under the retirement system. Ought to Pass with Amendment.

The Committee felt this bill was necessary to limit the provisions of the retirement system for employees who entered the system later than June 20, 1975. Vote 17-0. Rep. William Gregorio for Executive Departments and Administration.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to withdrawal and fringe benefits for certain unclassified state employees under the retirement system and reducing the normal contribution rate to the retirement system which certain employers must pay.

Amend the bill by striking out section one and inserting in place thereof the following:

1 Clarifying Withdrawal and Fringe Benefit Provisions. Amend RSA 100-A:28-a as inserted by 1975, 453:4 by striking out said section and inserting in place thereof the following:

100-A:28-a Withdrawal and Fringe Benefits for Certain Employees.

1. Notwithstanding any other provision of law, any unclassified state employee who was a member of the retirement system on June 30, 1983, may withdraw from the retirement system and may withdraw his accumulated member contributions which shall be credited with the accumulated interest to the date of withdrawal upon the condition that he participates in an individual retirement account plan as provided under federal law and shall pay periodically into such plan no less than the lesser of his normal rate of contribution under the retirement system from which he withdrew or the maximum contribution permitted under the individual retirement account plan, provided that notice of such withdrawal shall be filed with the board of trustees no later than September 30, 1983.

11. Notwithstanding any other provision of law, any person who withdraws from a retirement system under paragraph 1 shall be deemed to have met the requirements of a member of group I of the New Hampshire retirement system for all purposes and shall be entitled to all benefits under said system except normal retirement under RSA 100-A:5 if such person pays a contribution in lieu of membership of one percent of his salary to the New Hampshire retirement system. The employer of such person shall pay to the New Hampshire retirement system as a fringe benefit for such person the amount which is the equivalent of the employer's normal contribution to the state annuity accumulation fund reduced by the proportional percentage attributable to service retirement benefits which the person is not entitled to receive under the provisions of this section.

HB 699-FN, reducing the normal contribution rate to the New Hampshire retirement system which certain employers must pay. Inexpedient to Legislate.

The provisions of this bill are incorporated in HB 695. Vote 17-0. Rep. Graham Chynoweth for Executive Departments and Administration.

HB 703-FN, requiring the cost of medical and health insurance coverage for certain retired permanent policemen to be provided by the state retirement system. Ought to Pass.

The Committee believes that since these individuals are regular state employees who participate in all benefits, except for retirement, and have a minimum of 10 years' service, they now should be entitled to health insurance benefits upon retirement. Vote 17-0. Rep. William Gregorio for Executive Departments and Administration.

Referred to Appropriations.

HB 707-FN, relative to the employer's contribution rate under the New Hampshire retirement system for group II members. Ought to Pass with Amendment.

The Committee felt this bill would help stabilize the retirement system over the long term. Vote 17-0. Rep. William Gregorio for Executive Departments and Administration.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to the employer's contribution rate under the New Hampshire retirement system for group II members and setting up a special account for earnings of the retirement system.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Employer Normal Contribution. Amend RSA 100-A:16, II(b) and (c) (supp) as inserted by 1967, 134:1 as amended by striking out said subparagraphs and inserting in place thereof the following:

(b) The contributions of each member for benefits under the retirement system on account of group II members shall consist of a percentage of the earnable compensation of its members to be known as the "normal contribution," and an additional amount to be known as the "accrued liability contribution;" provided that any employer, other than the state, shall pay 65 percent of such total contributions, and 35 percent thereof shall be paid by the state; and provided further that, in case of group II members employed by the state, the state shall pay both normal and accrued liability contributions. The rate percent of such normal contribution in each instance shall be fixed on the basis of the liabilities of the system with respect to the particular members of the various member classifications as shown by actuarial valuations, except as provided in subparagraphs (h) and (i).

(c) The contributions of each employer for benefits under the retirement system on account of group I members shall consist of a percentage of the earnable compensation of its members to be known as the "normal contribution," and an additional amount to be known as the "accrued liability

contribution;" provided that, in the case of teachers, any employer other than the state, shall pay 65 percent of such total contributions, and 35 percent thereof shall be paid by the state; and provided further that in case of teacher members employed by the state the state shall pay both normal and accrued liability contributions. The rate percent of such normal contribution in each instance shall be fixed on the basis of the liabilities of the system with respect to the particular members of the various member classifications as shown by actuarial valuation, except as provided in subparagraphs (h) and (i).

2 Special Account. Amend RSA 100-A:16, II by inserting after subparagraph (g) the following new subparagraphs:

(h) Notwithstanding any other provisions of this chapter, any earnings through investment, capital gains or otherwise in excess of the assumed rate of interest shall be held in a special account by the board of trustees and shall not be used by the actuary in determining the rate per cent of normal contribution as set forth in subparagraphs (b) and (c). This special account shall be used only to fund or partially fund additional benefits for members of the retirement system.

(i) The normal contribution rates of each employer which are in effect on July 1, 1983, shall not be reduced or adjusted downward, regardless of whether or not the earnings of the system exceed the interest assumption used for actuarial valuations during the actuarial valuation period.

3 Effective Date. This act shall take effect July 1, 1983.

Referred to Appropriations.

HB 718-FN, relative to information required on birth, marriage, and death certificates. Inexpedient to Legislate. The Committee strongly believes that this piece of legislation would constitute undesired governmental invasion of personal privacy. Vote 18-0. Rep. Kathleen W. Ward for Executive Departments and Administration.

HB 746, providing local government representation on the New Hampshire retirement system board of trustees. Inexpedient to Legislate.

The Committee believes that there is merit in the concepts of HB 746, but cannot readily foresee any manner of limiting additional groups from requesting similar representation. Vote 17-0. Rep. Wayne D. King for Executive Departments and Administration.

HB 766-FN, removing the social security offset provision under the New Hampshire retirement system. Inexpedient to Legislate.

The Committee felt that the increase in the member contribution rates were too high, but that other aspects of the bill had merit. Vote 17-0. Rep. William Gregorio for Executive Departments and Administration.

HB 767-FN, relative to disability retirement benefits. Ought to Pass with Amendment.

The Committee believes that the retirement system should be allowed to recover enormous payments. In addition, old system employees will be allowed a biennial choice to elect new system benefits without any subsequent legislation. Vote 17-0. Rep. Wayne D. King for Executive Departments and Administration.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to disability retirement benefits, constant lifetime allowances, and notifying predecessor system members of their eligibility to receive retirement system benefits.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Constant Lifetime Allowance. Amend RSA 100-A:5, I by inserting after subparagraph (d) the following new subparagraph:

(e) Any group I member who qualifies for a service, early, vested or disability retirement allowance may have the benefits payable prior to age 65 and the benefits payable after age 65 actuarially combined and leveled to provide a constant lifetime allowance.

3 Reopening for Predecessor System Members. Amend RSA 100-A:49 (supp) as inserted by 1977, 546:1 by striking out said section and inserting in place thereof the following:

100-A:49 Employees' System Members; Definition Changed. Notwithstanding RSA 100-A:36-a, any actively employed member of the employees' retirement system, who elected, pursuant to RSA 100-A:36-a, to continue to earn benefits and make contributions in accordance with RSA 100, shall have his average final compensation computed based on the average annual earnable compensation of said member during his highest 3 years of creditable service, or if he has less than 3 years of creditable service, his average final compensation shall be his average annual earnable compensation during his total creditable service. In each January of each even-numbered year, the board of trustees shall notify such members of their option to elect to receive benefits in accordance with RSA 100-A. Such forms and procedures as may be required by the board of trustees shall be supplied for such election effective July 1 of the same year.

4 Effective Date. This act shall take effect July 1, 1983.

HB 768-FN, requiring the real estate commission to distribute a list of the names of persons passing the real estate exam. Inexpedient to Legislate.

The Committee believes that this would be an unnecessary duplication of information already considered by New Hampshire statutes as public information. Vote 18-0. Rep. V. Michael Hutchings for Executive Departments and Administration.

HB 773, re-establishing the New Hampshire transportation authority. Inexpedient to Legislate.

The Committee dealt with the subject matter in HB 646 creating a transportation department. Vote 19-0. Rep. V. Michael Hutchings for Executive Departments and Administration.

HB 780-FN, relative to the aeronautics commission. Inexpedient to Legislate.

This bill is addressed in the Department of Transportation bill. Vote 20-0. Rep. Wayne D. King for Executive Departments and Administration.

HB 781-FN, providing group I employee members of the New Hampshire retirement system with full credit for service from July 1, 1977, to June 30, 1979. Ought to Pass with Amendment.

The Committee felt that this bill spoke to a legitimate need within the retirement system. Vote 18-0. Rep. Wayne D. King for Executive Departments and Administration.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to service retirement benefits for group I members of the New Hampshire retirement system.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Service Retirement Allowance. Amend RSA 100-A:5, I(b) (supp) as inserted by 1967, 134:1 as amended by striking out said subparagraph and inserting in place thereof the following:

(b) Upon service retirement, a group I member shall receive a service retirement allowance which shall consist of: (1) a member annuity which shall be the actuarial equivalent of his accumulated contributions at the time of retirement; and (2) a state annuity payable prior to his attainment of age 65 which, together with his member annuity, shall be equal to 1/60 of his average final compensation multiplied by the number of years of his creditable service. After his attainment of age 65, his state annuity shall be reduced by the sum of 1/120 of his average final compensation not in excess of the applicable Social Security breakpoint for each year of his creditable service; provided that no such reduction shall be made in respect to any teacher for his years of creditable



service between July 1, 1945, and July 1, 1950, and for those years of creditable service between July 1, 1950, and July 1, 1957, with respect to which he did not elect a refund of past contributions under RSA 192:21, prior to its repeal, and further provided that such reduced retirement allowance, together with his primary insurance amount, shall not be less than the service retirement allowance the member was receiving prior to his attainment of age 65. For the purposes of the above, Social Security breakpoint shall mean \$4,200 with respect to each year of prior service and shall mean the maximum amount of taxable wages under the Federal Insurance Contributions Act as from time to time in effect with respect to each year of membership service.

2 Creditable Service; Group I Employee Members. Amend RSA 100-A:5, I(c) (supp) as inserted by 1967, 134:1 as amended by striking out said subparagraph and inserting in place thereof the following:

(c) Employee members of group I who retired between July 1, 1950, and June 30, 1983, inclusive, shall have their benefits recalculated if they had creditable service in excess of 30 years prior to July 1, 1977, or were age 62 and in service during the period July 1, 1977, through June 30, 1979. Benefits to such retirees shall be adjusted to reflect the new levels and shall be payable effective July 1, 1983, without retroactive adjustment or payment.

3 Effective Date. This act shall take effect July 1, 1983.

Referred to Appropriations.

HB 802, relative to the education requirements for morticians. Ought to Pass with Amendment.

This is a housekeeping bill which was requested by the State Board of Registration of Funeral Directors and Embalmers. It increases the academic requirements for morticians, decreases the period of apprenticeship, authorizes the penalties for violators and adjusts the per diem of board members to equal that received by other state boards. Vote 18-0. Rep. Kathleen W. Ward for Executive Departments and Administration.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to morticians.

Amend the bill by striking out section 6 and inserting in place thereof the following:

6 Compensation. Amend RSA 325:6 (supp) as amended by striking out said section and inserting in place thereof the following:

325:6 Compensation. The members of the board shall receive the sum of \$50 per day while actually engaged upon the business of the board and shall be reimbursed for necessary traveling expenses incident to

attendance upon the business of the board, provided that said compensation and expense shall be a charge upon the fund herein constituted and further provided that, in case said fund shall be insufficient to pay said compensation and expenses, the members of said board shall have no claim upon the state for said compensation.

7 Penalties. Amend RSA 325:32 by inserting after paragraph II the following new paragraph:

III. Any person who is found guilty of committing any of the acts in paragraph II shall be subject to the penalties prescribed in RSA 325:43.

8 Penalties Detailed. Amend RSA 325:43 (supp) as amended by striking out said section and inserting in place thereof the following:

325:43 Penalty.

I. Any person who shall violate any of the provisions of this chapter, or any rule adopted by the board shall be guilty of a misdemeanor.

II. In addition to the penalty provided in paragraph I, any person licensed under this chapter, who violates any provision of this chapter or any rule adopted under it, may be penalized by any or all of the following as determined by the board:

(a) Suspension of his license or certificate of registration;

(b) Revocation of his license or certificate of registration; or

(c) A fine, which shall be paid to the board and be for the use provided under RSA 325:42, not to exceed \$500 for each violation.

9 Effective Date. This act shall take effect 60 days after its passage.

Referred to Appropriations.

HB 803-FN, relative to the board of funeral directors and embalmers. Inexpedient to Legislate.

Subject matter included in HB 802. Vote 18-0. Rep. James R. Rosencrantz for Executive Departments and Administration.

HB 804-FN, relative to penalties for violations of chapter 325 relative to morticians. Inexpedient to Legislate.

Subject matter included in HB 802. Vote 18-0. Rep. James R. Rosencrantz for Executive Departments and Administration.

HB 807, requiring the comptroller to file an annual report relative to the balancing of state books. Inexpedient to Legislate.

This subject matter is addressed in reorganization legislation before the Committee. Vote 14-0. Rep. Kathleen W. Ward for Executive Departments and Administration.

HB 817-FN, establishing a study committee to make recommendations on the public procurement of goods and services. Inexpedient to Legislate.

This subject matter is being addressed in legislation on reorganization pending

before the Committee. Vote 14-0. Rep. Kathleen W. Ward for Executive Departments and Administration.

HB 823, prohibiting physicians from owning pharmacies. Refer for Interim Study. The Committee felt that this needed further study to address issues which were raised in the public hearing. Vote 18-0. Rep. Wayne D. King for Executive Departments and Administration.

HB 833, designating the department of administration and control as the agency responsible for overseeing a state equal employment opportunity plan. Ought to Pass with Amendment.

This bill designates the Department of Personnel as the state agency responsible for overseeing the development and implementation of an equal employment opportunity plan for all state departments and agencies. The bill directs the head of each state agency and its equal employment opportunity officer to assist the Director of Personnel in this task. Vote 17-0. Rep. Nancy M. Ford for Executive Departments and Administration.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

designating the department of personnel as the agency responsible for overseeing a state equal employment opportunity plan and making an appropriation therefor.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Subdivision. Amend RSA 98 by inserting after section 20 the following new subdivision:

#### Equal Employment Opportunity Plan 98:21 State Agency for Plan.

I. The department of personnel is designated as the state agency responsible for overseeing the development and implementation of an equal employment opportunity plan for all departments and agencies of the state. The department shall promote a fully integrated work force representative of all qualified people available for employment regardless of age, sex, race, color, marital status, physical or mental handicap, or religious creed.

II. The director of personnel shall develop and implement a plan that will insure the employment of all qualified people regardless of age, sex, race, color, marital status, or physical or mental handicap, or religious creed. The director of personnel, or his designee, shall be assisted by an advisory committee and equal employment opportunity officers.

98:22 Equal Employment Opportunity Plan. The governor and the head of each state department, agency, board, commission,

or other instrumentality shall, within 120 days after the effective date of this subdivision, and annually thereafter, submit to the director of personnel, or his designee, a plan for assuring equal employment opportunity for all state employees regardless of age, sex, race, color, marital status, or physical or mental handicap, or religious creed. The plan shall contain a detailed current status report including:

I. A workforce analysis to determine the current representation of employees in all job categories by age, sex, race, color, marital status, and physical or mental handicap;

II. A determination of whether underrepresentation exists within each department or agency workforce; and

III. Systematic goals and methods for correcting any substantial disparities.

98:23 Duties. The director of personnel shall:

1. Issue a detailed and uniform method by which departments, agencies, boards or commissions or other instrumentalities of the executive branch shall develop and implement equal employment opportunity goals.

II. Establish reporting procedures for measuring progress and evaluating performance in achieving equal employment opportunity goals.

III. Provide technical assistance and training to officials of all departments, agencies, boards, commissions, or other instrumentalities in achieving equal employment opportunity goals.

IV. Develop and implement training programs to assist state employees, regardless of age, sex, race, color, marital status, or physical or mental handicap, or religious creed to advance according to present and projected department needs and employee career goals.

V. Develop a method for counseling employees with regard to training requirements needed to attain career goals.

VI. Meet at least annually with the head of each department, agency, board, commission, or other instrumentality and its equal employment opportunity officer (a) to review equal employment opportunity plans; (b) to receive reports on progress being made in meeting equal employment opportunity goals; and (c) to recommend appropriate changes to the department's equal employment opportunity plan and the procedures and methods employed to implement the plan.

98:24 Equal Employment Opportunity Officers. The head of each department, agency, board, commission, or other instrumentality of the executive branch employing 6 or more persons shall appoint, subject to the approval of the director of personnel, one individual from among existing staff as the equal employment opportunity officer for the department, agency, board, commission, or other instrumentality, to report to and support the director of personnel in performing his duties under this subdivision. Each department, agency, board, commission, or other instrumentality with more than 1,000 employees shall have a full-time equal employment opportunity officer.



98:25 Duties of Officers. An equal employment opportunity officer shall:

I. Assist the department head in establishing equal employment opportunity goals for the department according to a uniform method developed by the director of personnel. Such goals shall be subject to the approval of the director of personnel.

II. Report annually to the director of personnel, according to established procedures, progress made toward meeting equal employment opportunity goals.

III. Assist the director of personnel in the development and implementation of training programs to help state employees advance according to present and projected department needs, without regard to age, sex, race, color, marital status, or physical or mental handicap, or religious creed.

98:26 Advisory Committee; Membership.

There shall be an advisory committee on equal employment opportunity to advise the director of personnel consisting of 7 members, 4 to be appointed by the governor with consent of the council, who shall be proficient in the field of personnel management or affirmative action as a result of training or experience and who shall serve 3 year terms; provided that initial appointments shall be made for one, 2 and 3 years so terms will be staggered. The members shall serve until their successors are appointed and qualified. Two members shall be members of the house of representatives appointed by the speaker,

and one shall be a member of the senate appointed by the senate president. The legislative members shall serve for the term of their office. Not more than 2 of the legislative members shall be members of the same political party. The members of the committee shall choose from among themselves a chairperson who shall serve for the period of his term.

98:27 Meetings. Meetings of the advisory committee shall be held on the fourth Tuesday of every month, on call of the chairperson, on call of any 4 members, or on call of the director of personnel. Four members of the committee shall constitute a quorum.

98:28 Advisory Committee Duties. The advisory committee shall:

I. Obtain from the director of personnel such reports as it may consider necessary.

II. Report annually to the governor and council and to the general court before each regularly scheduled session on progress toward achievement of equal employment opportunity goals.

III. Advise the director of personnel on implementation and development of the state equal employment opportunity plan.

IV. Accept and expend any appropriations, grants, or gifts of money, professional services, consultant services, clerical and other services and supplies from any source, public or private, in the course of its duties.

## 2 Appropriation.

I. There is hereby appropriated to the department of personnel for the purposes of this act the sum of \$41,624 for the fiscal year ending June 30, 1984, and the sum of \$41,052 for the fiscal year ending June 30, 1985, to be expended as follows:

	Fiscal Year 1984	Fiscal Year 1985
Class 10 Permanent personnel services	\$24,687	\$25,877
Class 20 Current expenses	9,000	9,000
Class 30 Equipment	2,000	0
Class 60 Benefits	4,937	5,175
Class 70 Travel (in-state)	500	500
Class 90 Program (conferences)	500	500
TOTALS	\$41,624	\$41,052

II. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

3 Effective Date. This act shall take effect July 1, 1983.

Referred to Appropriations.

HB 830, relative to termination of parental rights. Ought to Pass with Amendment.

This bill would allow termination of parental rights in cases of continued sexual abuse and/or severe physical, emotional, or mental harm to children. Vote 17-0. Rep. Emma B. Wheeler for Health and Welfare.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 New Paragraph; Grounds for Termination. Amend RSA 170-C:5 by inserting after paragraph IV the following new paragraph:

V. While the child was in the physical custody of his parent, the parent knowingly or willfully caused or permitted severe physical, emotional, or mental harm to the child, or knowingly or willfully caused or permitted substantial sexual abuse of the child or his siblings, when such harm or abuse or both would indicate a substantial possibility of harm to the child if returned to his parent based on at least 2 of the following factors:

(a) Such conduct is shown to have continued despite reasonable efforts to reduce or alleviate such conduct by authorized agencies in obtaining or providing services for the parent.

(b) Such conduct is shown to be likely to continue with no change in parental behavior, attitude or actions, as established by the testimony of at least one of the following: a licensed psychiatrist or clinical psychologist, a physician, or a social worker certified by the academy of certified social workers.

(c) Such conduct is shown to have continued to occur either over a period of time or many times so as to indicate a pattern of behavior on the part of the parent which indicates a complete disregard for the child's health and welfare.

(d) Such conduct has resulted in severe harm to the child or his siblings, as established by the testimony of at least one of the following: a licensed psychiatrist or clinical psychologist, a physician, or a social worker certified by the academy of certified social workers.

HCR 9, expressing the intent of the general court with respect to operations of the division of welfare. Ought to Pass with Amendment.

This bill was studied for three months by both the House and Senate Committees and was voted unanimously ought to pass with amendment. The amendment adds title "Income Support" between recommendation number 8 and number 9. Vote 13-0. Rep. Emma B. Wheeler for Health and Welfare.

#### Amendment

Amend the report entitled "Recommendations Relative to the Division of Welfare" referred to in the resolution and

attached thereto by inserting between items 8 and 9 of the report the following section heading:

#### INCOME SUPPORT

HB 417, requiring persons convicted of driving while intoxicated to attend alcohol awareness programs. Inexpedient to Legislate.

This subject matter is included in HB 45. The Committee felt this should be included as part of the DWI package and this separate bill is unnecessary. Vote 15-0. Rep. Kendall W. Lane for Judiciary.

HB 467-FN, permitting the impoundment of a vehicle used by a person convicted of a second offense of driving while intoxicated. Inexpedient to Legislate.

The Committee feels that HB 467 would bequest excessive authority of questionable constitutionality. Vote 15-0. Rep. Daniel A. Eaton for Judiciary.

HB 484-FN, relative to driving while intoxicated. Inexpedient to Legislate.

The subject matter of this legislation is addressed in the DWI package. Vote 15-0. Rep. Beverly A. Hollingworth for Judiciary.

HB 485-FN, to allow the use of preliminary breath testing devices for establishment of probable cause. Inexpedient to Legislate.

Similar language has been included in HB 45. Vote 15-0. Rep. Daniel A. Eaton for Judiciary.

HB 488-FN, increasing the penalties for driving after revocation of a license for driving under the influence of alcohol or drugs. Inexpedient to Legislate.

This matter has been addressed in HB 45. Vote 15-0. Rep. Daniel A. Eaton for Judiciary.

HB 490-FN, relative to driving while impaired. Inexpedient to Legislate. Key aspects of this bill are already incorporated into existing legislation. Vote 15-0. Rep. Michael E. Jones for Judiciary.

HB 491-FN, increasing the penalties for negligent homicide with a motor vehicle. Inexpedient to Legislate.

The subject of this bill has been covered in HB 45 as amended by the Committee. Vote 15-0. Rep. Francis E. Robinson for Judiciary.

HB 493-FN, increasing the jurisdictional amounts of small claims and the district court. Ought to Pass with Amendment.

This bill, as amended, increases the dollar amount of small claims cases from \$500 to \$1500. Vote 13-1. Rep. Thomas U. Gage for Judiciary.

## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

increasing the jurisdictional amount of small claims.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

I Small Claims Limit Increased. Amend RSA 503:1 (supp) as amended by striking out said section and inserting in place thereof the following:

## 503:1 Small Claim Defined.

I. A small claim is any right of action not involving the title to real estate in which the debt or damages, exclusive of interest and costs, does not exceed \$1,500.

II. Any person may file a small claims action as provided in this chapter unless trial by jury is claimed by the plaintiff if the debt or damages exceeds \$500 or unless trial by jury is claimed by the defendant as provided in paragraph III.

III. When the debt or damages claimed exceeds \$500, a defendant may claim trial by jury by filing a written request within 30 days of the filing of the application and statement of the claim under RSA 503:3 or within such additional time as the municipal or district court may for good cause allow. If such a request is filed, the case shall be transferred at once to the superior court in the county in which the town or district is located and heard and tried as if originally entered in the superior court. The original entry fee and the cost of transferring the action shall be paid by the plaintiff but are recoverable as costs if the plaintiff prevails.

2 Effective Date. This act shall take effect 60 days after its passage.

HB 496, creating a judicial compensation commission and relative to the continuance of part time district courts. Ought to Pass with Amendment.

This bill establishes a five-member commission to make recommendations for salaries of judges. The recommendations will be submitted to the Legislature for approval as part of the court budget. Additionally, the bill provides that in some circumstances, district courts may remain part-time even when the statutory formula would require the judge to give up his law practice and go full time. Vote 13-0. Rep. Donna P. Sytek for Judiciary.

## Amendment

Amend RSA 491-B:4 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

491-B:4 Duties. It shall be the duty of the commission to ascertain and

recommend, as provided in RSA 491-B:5, honorable, fair and equitable levels of compensation for all justices of the supreme, superior and probate, municipal and district courts.

Amend RSA 491-B:5 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

## 491-B:5 Biennial Report; Submission.

The commission shall submit a written report of its findings and recommendations to the supreme court on or before October 1 of each year preceding a regular legislative session for inclusion in the supreme court's biennial budget submission. The commission shall also submit the same report submitted to the supreme court to the speaker of the house of representatives, the president of the senate and the governor on or before December 15 of each year preceding a regular legislative session. The commission may be required to submit a report of its findings and recommendations at such other times as it is requested to do so by either the speaker of the house of representatives, the president of the senate, or the governor.

HB 497, relative to trespassing on posted property. Inexpedient to Legislate. The Committee felt the existing law was adequate in this area. Vote 12-2. Rep. Frank J. Sylvia for Judiciary.

HB 522-FN, relative to appeals by the state in criminal cases. Refer for Interim Study.

HB 522 has a lot of merit but needs study as to the ramifications along with considerable fine tuning. Vote 13-0. Rep. Daniel A. Eaton for Judiciary.

HB 548, relative to annulment of records of conviction and sentence for certain offenders. Ought to Pass with Amendment. This bill clarifies the current law regarding annulment of criminal records. It provides for specific waiting periods which must be met prior to petitioning the court for annulment. Vote 14-1. Rep. Kendall W. Lane for Judiciary.

## Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Annulment; Unconditional Discharge or Continuance. Amend RSA 651:5, II as inserted by 1971, 518:1 by striking out said paragraph and inserting in place thereof the following:

II. If a person who has been sentenced to unconditional discharge or whose conviction has been continued for sentencing has been convicted of no other crime except a traffic offense during a 2-year period following such sentence or continuance for sentencing, he may, at any time after such 2-year period, apply to the court in which the original sentence or continuance for sentencing was entered for

an order to annul the record of conviction and sentence or the record of conviction and continuance for sentencing.

2 Annulment of Records. Amend RSA 651:5, III as inserted by 1971, 518:1 by striking out said paragraph and inserting in place thereof the following:

III. If a person has been convicted of a misdemeanor and has received a sentence other than probation, conditional discharge, or unconditional discharge, and in a 3-year period following the termination of his sentence has been convicted of no other offense except a traffic offense, he may, at any time after such 3-year period, apply to the court in which the original sentence was entered for an order to annul the record of conviction and sentence.

III-a. If a person has been convicted of a class B felony and has received a sentence other than probation, conditional discharge, or unconditional discharge, and in a 7-year period following the termination of his sentence has been convicted of no other offense except a traffic offense, he may, at any time after such 7-year period, apply to the court in which the original sentence was entered for an order to annul the record of conviction and sentence.

III-b. If a person has been convicted of a class A felony and has received a sentence other than probation, conditional discharge, or unconditional discharge, and in a 12-year period following the termination of his sentence has been convicted of no other offense except a traffic offense, he may, at any time after such 12-year period, apply to the court in which the original sentence was entered for an order to annul the record of conviction and sentence.

3 References to New Paragraph. Amend RSA 651:5, IV and V as inserted by 1971, 518:1 by striking out in line one of paragraph IV the word and number "or III" and inserting in place thereof the following (, III, III-a or III-b) and by striking out in line 2 of paragraph V the word and number "or III" and inserting in place thereof the following (, III, III-a or III-b) so that said paragraphs as amended shall read as follows:

IV. When an application has been made under paragraph I, II, III, III-a or III-b, the court shall require a probation officer to report to it concerning any convictions, arrests or prosecutions of the applicant during the periods specified in those paragraphs.

V. The court shall enter the order applied for under paragraph I, II, III, III-a or III-b if in the court's opinion the order will assist in the applicant's rehabilitation and will be consistent with the public welfare. Upon entry of the order, the applicant shall be treated in all respects as if he had never been convicted and sentenced, except that, upon conviction of any crime committed after the order of annulment has been entered, the prior conviction may be considered by the court in determining the sentence to be imposed.

4 Effective Date. This act shall take effect 60 days after its passage.

HB 566, recodifying the controlled drug laws. Ought to Pass with Amendment.

This bill makes several minor changes to the controlled drug chapter and reorganizes the format to make it more logical. Vote 14-0. Rep. Donna P. Sytek for Judiciary.

#### Amendment

Amend RSA 318-B:10, II as inserted by section 8 of the bill by striking out same and inserting in place thereof the following:

II. A veterinarian, in good faith, in the course of his professional practice only, and not for use by a human being, may administer and prescribe controlled drugs, and the veterinarian may cause them to be administered to an animal under his care but only in a quantity not to exceed a 48-hour supply of a schedule II substance or a 7-day supply of schedule III, IV, or V substances, of the current chapter 21, Code of Federal Regulations.

Amend RSA 318-B:12, I as inserted by section 10 of the bill by striking out same and inserting in place thereof the following:

I. Practitioners including physicians, podiatrists, dentists, veterinarians, manufacturers, wholesalers, pharmacists, clinics, hospitals, and laboratories shall keep separate records, so as not to breach the confidentiality of patient records, to show the receipt and disposition of all controlled drugs. Such records shall meet the requirements of the division of public health services and federal laws and regulations relative to the receipt, manufacture, inventory, distribution, sale, dispensing, loss, theft, and any other disposition of controlled drugs. The records shall indicate at least the name, dosage form, strength, and quantity of the controlled drug; the name and address of any person to whom the drug was administered, dispensed, sold or transferred and the date of any and all transactions involved with the controlled drug.

Amend RSA 318-B:17, I as inserted by section 13 of the bill by striking out same and inserting in place thereof the following:

I. Except as otherwise provided in this section, the superior court shall order such controlled drugs forfeited and destroyed. A record of the place, where the drugs were seized, of the kinds and quantities of drugs so destroyed, and of the time, place and manner of destruction, shall be kept, and a return under oath, reporting said destruction, shall be made to the superior court and to the Drug Enforcement Administration, if controlled drugs are involved, by the officer who destroys them.

Amend the bill by striking out section 21 and inserting in place thereof the following:

21 Repeal. The following are hereby repealed:

I. RSA 318-B:10, III, relative to the return of unused drugs.

II. RSA 318-B:10, IV, relative to advanced registered nurse practitioners.

III. RSA 318-B:19, relative to confidential records.

IV. RSA 318-B:20, relative to prohibited acts.

HB 586, authorizing additional state and local officials to apply for and receive administrative inspection warrants. Inexpedient to Legislate.

The subject matter in this bill is addressed by HB 756. Vote 13-0. Rep. Gregory J. Ahlgren for Judiciary.

HB 601-FN, relative to assaults by prisoners and to confiscation of certain property. Refer for Interim Study.

The proposal may have constitutional ramifications, but includes suggestions the Committee considers to be worthy of further consideration than can be given to it at the present time. Vote 13-1. Rep. Francis E. Robinson for Judiciary.

HB 630, relative to changes in the construction clause of the law against discrimination. Ought to Pass with Amendment.

The passage of this bill assures the preservation of truth, justice and the American way of life. Vote 9-3. Rep. Gregory J. Ahlgren for Judiciary.

#### Amendment

Amend RSA 354-A:13 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

354-A:13 Construction. No provision of this chapter shall be deemed to supersede any other provision of law for the protection of women or minors or for the regulation of the employment of women or minors. The provisions of this chapter shall be construed liberally for the accomplishment of the purposes thereof. Nothing contained in this chapter shall be deemed to repeal any of the provisions of the civil rights law or any other law of this state relating to discrimination because of age, sex, race, creed, color, marital status, physical or mental handicap or national origin; but, as to acts declared unlawful by RSA 354-A:8, no action shall be brought in any state court except an action for judicial review or enforcement of an order or decision of the New Hampshire commission for human rights.

HB 638-FN, providing a graduated series of penalties for failure to honor a subpoena in a civil or criminal case. Ought to Pass with Amendment.

This bill increases the fine to not more than \$100 for failure to honor a subpoena in a civil or criminal case. Vote 14-0. Rep. Maureen E. Raiche for Judiciary.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

increasing the penalty for failing to obey a summons.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Penalty Increased. Amend RSA 592-A:15 (supp) as inserted by 1957, 244:8 as amended by striking out said section and inserting in place thereof the following:  
592-A:15 Default. If such party, being summoned by delivering to him an attested copy of the summons, shall not appear, the justice may then issue a warrant as provided in RSA 592-A:8. Such party shall be in contempt of court for failing to attend after being so summoned and may be fined not more than \$100.

2 Effective Date. This act shall take effect 60 days after its passage.

HB 640-FN, to establish a driving while intoxicated task force office. Inexpedient to Legislate.

There is nothing to prevent Highway Safety from doing this internally. HB 640 is not needed. Vote 15-0. Rep. Daniel A. Eaton for Judiciary.

HB 642, relative to the appointment of guardians for persons admitted for in-patient treatment on an involuntary basis. Ought to Pass with Amendment.

This bill as amended directs the probate court to render a decision on a petition for appointment of a guardian for an involuntarily committed patient within 45 days. Vote 13-0. Rep. Donna P. Sytek for Judiciary.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Appointment of Guardian. Amend RSA 464-A:9 by inserting after paragraph III the following new paragraph:

III-a. If a petition is filed pursuant to RSA 464-A:4 for the appointment of a guardian of the person or of the person and the estate for a person admitted for in-patient treatment on an involuntary basis as provided in RSA 135-B:19-41, the probate court shall render a decision on such petition in accordance with the provisions of this chapter within 45 calendar days of the filing of the petition.

HB 651-FN, relative to repayment of counsel expenses by indigent defendants. Ought to Pass.

This bill repeals a footnote in last year's budget that requires that an indigent defendant work off the costs of his legal defense at \$25 a day, and



makes the mandatory repayment provisions of current law discretionary. There was testimony indicating that the costs of collecting this money exceeded the amount collected. Vote 14-0. Rep. Donna P. Sytek for Judiciary.

HB 666-FN, relative to district court financing by district court districts. Inexpedient to Legislate.

The financing of district courts is addressed in other legislation which makes this bill unnecessary. Vote 14-0. Rep. Frank J. Sylvia for Judiciary.

HB 667, relative to the admissibility of refusal to take the chemical test for blood alcohol content. Inexpedient to Legislate. This bill has been incorporated into HB 45. Vote 15-0. Rep. Maureen E. Raiche for Judiciary.

HB 712-FN, to eliminate the right to appeal for a trial de novo upon conviction of certain violations. Inexpedient to Legislate.

This bill is unnecessary as it is addressed in HB 650-FN. Vote 14-0. Rep. Frank J. Sylvia for Judiciary.

HB 715-FN, to require the department of revenue administration to obtain a court order before distraining the contents of a safe deposit box. Ought to Pass with Amendment.

The bill, as amended, merely makes it clear that any corporation letting safe deposit boxes has no liability or obligation to box renters for the property contained in the box when the State Department of Revenue Administration obtains access to the box under the department's powers under RSA 80. Vote 13-1. Rep. Francis E. Robinson for Judiciary.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to the distraint of the contents of safe deposit boxes.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Distraint of the Contents of a Safe Deposit Box. Amend RSA 385 by inserting after section 8 the following new subdivision:

Distraint of Contents of Safe Deposit Boxes by Department of Revenue Administration

385:9 Liability Limited. Any corporation engaged in the business of letting safe deposit boxes which, in good faith, allows the department of revenue administration access to a taxpayer's safe deposit box pursuant to the department's

distrain powers under RSA 80 shall be discharged from any obligation or liability to such taxpayer with respect to the property contained in such safe deposit box.

HB 724-FN, relative to retirement salaries for district court justices. Inexpedient to Legislate.

The subject of judges' retirement will be addressed in another bill. Vote 14-0. Rep. Barbara Underwood for Judiciary.

HB 731, relative to the disposition of persons found not guilty by reason of insanity. Refer for Interim Study.

This bill would establish a psychiatric security review board to monitor those found not guilty by reason of insanity after they are released from the State Hospital. The Committee would like the opportunity to study this innovative idea further. Vote 13-0. Rep. Donna P. Sytek for Judiciary.

HB 732-FN, establishing a commission to recodify the criminal laws. Inexpedient to Legislate.

The Committee felt this legislation was unnecessary. There was a complete recodification in 1969 and there have not been any substantial changes since that time. Vote 14-0. Rep. Kendall W. Lane for Judiciary.

HB 735-FN, requiring inmates of the state prison to pay for the costs of their incarceration. Refer for Interim Study.

HB 735 presents an interesting concept but needs additional research into the ramifications that would be imposed on the courts. Vote 14-0. Rep. Daniel A. Eaton for Judiciary.

HB 741-FN, creating 2 superior court districts within Hillsborough county. Inexpedient to Legislate.

Considering the present state of the court system this bill is premature and unnecessary at this time. Vote 11-3. Rep. Frank J. Sylvia for Judiciary.

HB 750, increasing the penalty for certain types of reckless conduct. Inexpedient to Legislate.

While some modification in this area might be considered, the penalty is too harsh under some circumstances and this change should not be made now. Vote 9-5. Rep. Frank J. Sylvia for Judiciary.

HB 758-FN, relative to the representation of indigent defendants. Ought to Pass with Amendment.

This bill makes more realistic the standard by which indigent criminal defendants are provided services necessary for their defense and helps preserve truth, justice and the American way of life in New Hampshire. Vote 14-0. Rep. Gregory J. Allgeyer for Judiciary.



## Amendment

Amend RSA 604-A:6 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

604-A:6 Services Other than Counsel. In any criminal case in which counsel has been appointed to represent a defendant who is financially unable to obtain investigative, expert or other services necessary to an adequate defense in his case, counsel may apply therefor to the superior court; and, upon finding that such services are necessary and that the defendant is financially unable to obtain them, the court shall authorize counsel to obtain the necessary services on behalf of the defendant. The superior court may, in the interests of justice and upon finding that timely procurement of necessary services could not await prior authorization, ratify and approve such services after they have been obtained. The superior court shall determine reasonable compensation for the services and direct payment upon the filing of a claim for compensation supported by an affidavit specifying the time expended, the nature of the services rendered, the expenses incurred on behalf of the defendant, and the compensation, if any, received in the same case for the same services from any other source. The compensation to be paid to any person or association for such services shall not exceed \$300 unless the superior court determines that the nature or quantity of such services reasonably merits greater compensation. The \$300 limit for compensation shall not include or apply to reimbursement for expenses reasonably incurred.

HB 771, relative to the court facility escrow account. Refer for Interim Study. The Committee felt the use of the court facility escrow fund should receive further study to determine the proper way to expend this money to achieve intended improvements in court facilities. Vote 12-0. Rep. Kendall W. Lane for Judiciary.

HB 785, to eliminate the limitation of recovery in actions for wrongful death. Ought to Pass.

The limitation in current law is not consistent with damages allowed in other similar actions and it was felt best set by the jury within present judicial limitations. Vote 11-2. Rep. Frank J. Sylvia for Judiciary.

HB 828, establishing the public guardianship and protection program. Ought to Pass with Amendment.

This bill expands the Office of Public Guardian presently operating in Merrimack and Belknap Counties. The new program will operate statewide and will serve more people for the same amount of money. Vote 14-0. Rep. Beverly Hollingworth for Judiciary.

## Amendment

Amend RSA 547-B:6, I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. The division of mental health and developmental services, department of health and welfare, with the approval of the governor and council, shall contract with one or more organizations approved by the New Hampshire supreme court which shall be designated the public guardianship and protection program and which shall provide guardianship services pursuant to RSA 464-A, as required by RSA 135-B:42, RSA 138-A:3-a, and RSA 171-A:10. The contract shall fix the cost per guardianship and shall permit the contracting organization to subcontract for such consulting services as may be necessary to carry out the program's guardianship responsibilities. The compensation for operation of the public guardianship and protection program shall be such sums as may be fixed by the contract, subject to the appropriations made therefor.

HB 513-FN, relative to deduction of military retirement pay from unemployment compensation benefits. Inexpedient to Legislate.

Subject matter dealt with in HB 743 dealing with military retirement pay reduction from unemployment compensation benefits. Vote 18-0. Rep. Avis B. Nichols for Labor, Human Resources and Rehabilitation.

HB 533-FN, relative to workmen's compensation for part-time members of police and fire departments. Inexpedient to Legislate.

If this measure were passed, part-time employees would earn more in compensation than full-time employees. Current law takes care of designated emergency part-time employees. Vote 12-2. Rep. Calvin Warburton for Labor, Human Resources and Rehabilitation.

HB 535-FN, relative to the payment of wages to an employee who reports to work at the request of his employer. Ought to Pass. The measure entitles every employee to at least 2 hours' pay on any day which he has reported to work at the employer's request. Vote 17-0. Rep. Wilfred Burkush for Labor, Human Resources and Rehabilitation.

HB 585-FN, permitting the labor commissioner to assess civil penalties. Ought to Pass.

This bill is much needed legislation to permit the Labor Commissioner to impose civil penalties not to exceed \$500 for any violations of the labor laws or the rules adopted. All monies collected will be deposited in the general fund. The right of appeal is to the Superior Court. Vote 15-0. Rep. Robert S. Hawkins for Labor, Human Resources and Rehabilitation.

HB 599, modifying the definition of "most recent employer." Ought to Pass.

This bill modifies the definition of "most recent employer" in RSA 282 so that unemployment compensation benefits will be charged against the account of the last employer for whom the individual worked for more than four consecutive weeks while not receiving unemployment compensation benefits. Vote 13-2. Rep. Robert Hawkins for Labor, Human Resources and Rehabilitation.

HB 749, relative to the appellate division and appeal tribunal of the department of employment security. Ought to Pass with Amendment.

The Committee feels the bill, as amended, addresses the problems with the Appellate Division satisfactorily. Vote 15-0. Rep. John E. Webster for Labor, Human Resources and Rehabilitation.

#### Amendment

Amend RSA 282-A:63 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

282-A:63 --Organization and Support. The appellate division shall be part of the department of employment security for organizational purposes but shall operate independently of that department. Annual funding for the appellate division shall be determined by the commissioner after consultation with the chairman of the division and shall be provided for and administered by the commissioner. All clerical personnel, facilities, space, supplies, services, and other support necessary to the functioning of the appellate division shall be determined by, provided for, and administered by, the commissioner.

Amend RSA 282-A:64, I as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

I. The appellate division shall hear appeals from decisions of the appeal tribunal. Appeal must be filed with the appellate division within 15 days of the date of mailing of:

- (a) The commissioner's decision on a request for reopening; or
- (b) The appeal tribunal's decision on an appeal which had been remanded by the appellate division, in which case a request for reopening is not required.

Amend RSA 282-A:66, I as inserted by section 4 of the bill by striking out same and inserting in place thereof the following:

I. The appellate division, while in session, shall consist of 3 members designated by the chairman. Any party aggrieved by a decision of the appeal tribunal may appeal. The parties to such appeal shall be the claimant, all interested parties as defined in this chapter, and the commissioner. The appellate division shall adopt rules of procedure pursuant to RSA

541-A. It shall not require written briefs. The appellate division shall:

- (a) Render a written decision within 15 business days of the hearing; or
- (b) Adopt the decision of the appeal tribunal.

When a decision is not rendered within 15 business days after the hearing such will constitute a dismissal of the appeal.

HB 751, relative to employee access to personnel files. Ought to Pass.

Unanimous vote of the Committee for this bill which would provide an employee to see his or her personnel file and requires employers to provide an employee with a copy of such if they request to be paid for by the employee. The employee who disagrees with any information in their file may submit a written statement explaining their version of the information to be placed in their file. Vote 20-0. Rep. J. Arthur Tufts for Labor, Human Resources and Rehabilitation.

HB 763-FN, relative to toxic substances in the workplace. Ought to Pass with Amendment.

The measure is progressive legislation dealing with toxic substances in the workplace. It provides protection for the employees and flexibility for the employers. Vote 18-0. Rep. Merino Romoli for Labor, Human Resources and Rehabilitation.

#### Amendment

Amend RSA 277-A:3, III as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

III. "Employer" means any person, firm, corporation, partnership, association, the state, or any political subdivision of the state, which employs one or more persons required to use a toxic substance or mixture in the course of such employment.

Amend the introductory paragraph of RSA 277-A:3, IV as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

"Material safety data sheet" means a written document prepared on a toxic substance containing all of the following information except as provided by RSA 277-A:4, III(c):

Amend RSA 277-A:3, V(a) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

- (a) Any substance which appears on the list of contaminants included in the most recent edition of the Registry of the Toxic Effects of Chemical Substances published by the National Institute for Occupational Safety and Health or which is reported as a contaminant in the National Institute of Occupational Safety and Health Current Intelligence Bulletin, which publications shall be on file at the

department of labor and the department of health and welfare;

Amend RSA 277-A:3, V(b) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(b) Any substance which has yielded positive evidence of acute or chronic health hazards in human, animal or other biological testing which could be applicable to human beings; and

Amend RSA 277-A:3 as inserted by section 1 of the bill by inserting after paragraph VII the following new paragraph:

VIII. "Commissioner" means the commissioner of labor.

Amend RSA 277-A:4, I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. Except as provided in paragraph III, no person shall obtain, purchase, manufacture, formulate, transport or distribute of any toxic substance within this state unless the substance is accompanied by a complete material safety data sheet prepared by the manufacturer, producer, or formulator of such substance no more than one year prior to the obtaining, purchase, manufacture, formulation, transportation or distribution.

Amend RSA 277-A:4, III(a) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

III.(a) When a manufacturer, producer, formulator or employer considers the identity of or other information concerning a toxic substance to be a protectable trade secret whose disclosure would compromise his competitive advantage, he shall register this information as secret with the commissioner of labor provided that such information is already registered as a trade secret pursuant to any provision of federal law or such information is not registered as a trade secret but is related to a proprietary process the disclosure of which would compromise his competitive position.

Amend RSA 277-A:4, IV as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

IV. Notwithstanding the provisions of paragraph III, full and complete information regarding any toxic substance or substances to which an employee has been exposed shall be made available to a licensed physician if the information is needed for the purpose of medical diagnosis or treatment of such person.

Amend RSA 277-A:5, VIII as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

VIII. Maintain on file at the work place material safety data sheets for a period of at least 30 years after discontinuation of the use of each toxic substance. In the event that the employer ceases operations or relocates, all material safety data sheets shall be submitted to the department of labor to be maintained on file for the statutorily required 30 year period. All rights of access to material safety data sheets provided in this chapter shall apply to the full 30 year period.

Amend RSA 277-A:8, I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. If the commissioner or his designee finds, or has cause to believe, that any provision of this chapter is being violated, he may enter and inspect the premises of any employer's place of business and take samples of any unknown substance in order to ascertain compliance with this chapter. The laboratory services of the division of public health services shall be made available to the department of labor for purposes related to enforcement of this chapter, subject to the availability of adequate laboratory support.

Amend RSA 277-A:10 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

277-A:10 Construction of Chapter. The provisions of this chapter shall be construed as being complementary to and not in lieu of any other law or of any rule adopted under authority of law relative to toxic substances or toxic waste including but not limited to RSA 147-A and RSA 147-B. However, any conflict between this chapter and an existing statute or rule shall be resolved at all times by following the stricter requirement.

HB 769, establishing a New Hampshire public employee safety act. Ought to Pass with Amendment.

This establishes a New Hampshire public employee safety act, a needed piece of legislation. It adds the state and subordinate government tax units as employers under RSA 277. It gives the Commissioner of Labor enforcement powers. It provides a mechanism for any situation where conditions or practices cause a danger to exist, to be eliminated by the procedures of this act. Vote 18-0. Rep. Calvin Warburton for Labor, Human Resources and Rehabilitation.

#### Amendment

Amend the bill by striking out all after section one and inserting in place thereof the following:

2 Definitions. Amend RSA 277 by inserting after section 1-a the following new section:

277:1-b Definitions. In this chapter:

1. "Employee" means any person employed to work in a place of employment. Volunteers or auxiliary members of a fire, police department, ambulance service or the

state police, whether paid or not paid, shall be deemed to be in the employment of a political subdivision when performing official service or duty for a political subdivision.

II. "Employer" means every person, firm, corporation, association or the state or any of its political subdivisions operating a place of employment.

III. "Imminent danger" means a situation created by any conditions or practices in any place of employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm either immediately or before such danger could be eliminated through the procedures provided by this chapter.

IV. "Place of employment" means all factories, mills, workshops, mines, quarries or other manufacturing, commercial or mercantile establishments; sites at which building or construction work takes place; or buildings, offices or other sites owned or leased by the state or by any political subdivision of the state. "Place of employment" includes all buildings, sheds, structures or places used in connection with employee activity at a place of employment.

3 Penalties. Amend RSA 277:36 as amended by striking out said section and inserting in place thereof the following:

277:36 Penalties.

I. Any employer who shall omit or neglect to obey, observe or comply with any lawful order or rule made pursuant to this chapter shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

II. Whoever shall wilfully violate the provisions of RSA 277:12 shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person.

III. In case of imminent danger in any place of employment, the commissioner is empowered to assess a civil penalty of up to \$25 per day until the danger is abated. Each day the danger exists constitutes a separate offense.

4 Effective Date. This act shall take effect 60 days after its passage.

HB 783, relative to collective bargaining by state employees. Ought to Pass.

The vote was 20-0 that HB 783 providing that cost items of a negotiated agreement between the state and state employees be submitted to the General Court which is directed to vote to accept or reject the package in its entirety. The measure directs the legislative leadership to become members of the State Negotiating Team if the package is rejected by the General Court. Rep. Robert S. Hawkins for Labor, Human Resources and Rehabilitation.

HB 784-FN, relative to permissible action by public employees when public employers fail to appropriate funds necessary to honor agreements. Inexpedient to Legislate.

This bill makes no provision for necessary services in case of a strike

and there is a need for these employees for life and safety. Vote 19-1. Rep. Frank J. Reidy for Labor, Human Resources and Rehabilitation.

HB 798-FN, increasing the weekly benefit amount for unemployment compensation. Ought to Pass with Amendment.

HB 798 as amended increases the benefits for unemployment compensation by adding three more categories at the top of the wage scale for which benefits will be paid. Vote 17-1. Rep. John E. Webster, Jr. for Labor, Human Resources and Rehabilitation.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to the weekly benefit amount for unemployment compensation.

Amend RSA 282-A:25, I as inserted by section one of the bill by striking out same and inserting in place thereof the following:

I. The maximum weekly benefit amount and maximum benefits payable to an eligible individual in any benefit year shall be determined by his annual earnings, of which in each of 2 calendar quarters he must have earned not less than \$800, as follows:

Annual Earnings of Not Less Than	Maximum Weekly Benefit Amount	Maximum Benefits
\$1,700	\$26	\$ 676
2,000	30	780
2,300	33	858
2,600	36	936
2,800	39	1,014
3,000	43	1,118
3,200	44	1,144
3,400	46	1,196
3,600	48	1,248
3,900	50	1,300
4,200	54	1,404
4,500	58	1,508
4,800	61	1,586
5,100	66	1,716
5,400	69	1,794
5,700	73	1,898
6,000	76	1,976
6,300	79	2,054
6,600	83	2,158
7,000	87	2,262
7,400	91	2,366
7,800	95	2,470
8,200	99	2,574
8,600	102	2,652
9,000	105	2,730
9,500	108	2,808
10,000	111	2,886
10,500	114	2,964
11,500	117	3,042
12,500	120	3,120
13,500	123	3,198
14,500	126	3,276



15,500	129	3,354
16,500	132	3,432
17,500	135	3,510
18,500	138	3,588
19,500	141	3,666

HB 387-FN, requiring a biennial audit of the legislative accounts. Inexpedient to Legislate.

The bill as written was not workable and the sponsor requested inexpedient to legislate. Vote 13-1. Rep. Betty Tamposi for Legislative Administration.

HB 471, concerning the effective date of certain laws. Ought to Pass with Amendment. This bill was passed by the House in the last session. The amendment gives the agencies concerned enough time to adjust to the dates. Vote 13-0. Rep. Beverly A. Gage for Legislative Administration.

#### Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Effective Dates. Amend RSA 14 by inserting after section 9 the following new section:

14:9-a Effective Dates.

I. Each law passed by the general court shall take effect 60 calendar days following passage, excluding the date on which it is signed by the governor, or the last date on which the general court acts on the matter, as the case may be, except:

(a) If the general court specifically provides otherwise.

(b) If the law is a resolution.

(c) Each law affecting criminal or civil penalties, judicial practice and procedure, limitations of actions, and statutory rights and remedies shall take effect on the January 1 following passage.

II. The secretary of state shall record the date each law was enacted and its effective date on all enrolled and printed copies of such law, and such record shall be conclusive.

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Effective Date. This act shall take effect August 1, 1983.

HB 635-FN, amending the sunset process. Inexpedient to Legislate.

The Committee feels the sunset process should go through a complete cycle before being reviewed. Vote 11-1. Rep. Betty Tamposi for Legislative Administration.

HB 789-FN, amending the elderly property tax exemption to provide for a consistent exemption regardless of the town's equalization ratio. Refer for Interim Study. This bill would increase the elderly exemption presently granted to attempt to compensate for the effect of reevaluation. The concept appears

plausible; however, it is a radical change which should be studied along with all other alternatives in HB 192. Vote 16-0. Rep. John P. Lawrence for Municipal and County Government.

HB 541, relative to a capital improvements plan. Inexpedient to Legislate.

Due to the fact that many features of this bill are already in place, the opinion of the Committee is that this legislation is not needed at the present time. Vote 14-2. Rep. James V. Bibbo, Jr. for Public Works.

HB 655-FN, relative to beano at campgrounds and beano for children. Ought to Pass with Amendment.

HB 655 allows entertainment beano at campgrounds and also allows children to play with no money involved for a prize like an ice cream cone. This is needed to legalize what has been common practice for years. Vote 19-0. Rep. Lynn C. Horton for Regulated Revenues.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Definitions and Administration.

Amend RSA 287:1 and RSA 287:2 (supp) as amended by striking out said sections and inserting in place thereof the following:

287:1 Definitions. In this chapter:

I. "Beano" means any game, by whatever name called, in which a prize is offered to the person first covering squares in a straight line or other predetermined design, on a card marked into squares for that purpose.

II. "Bona fide guest" means any person who has paid the fee established by a private campground for utilization of a designated space for purposes of recreational camping, and invited guests and members of the family of such person. "Bona fide guest" shall not include the owner, operator or employees of the private campground, or the families of such persons, or persons invited to the private campground by the owner, operator or employees of the private campground for the purpose of participating in beano games.

III. "Charitable organization" means any bona fide religious, charitable, civic, veterans or fraternal organization which has been in existence for at least 2 years and is organized under the laws of this state and to which contributions are exempt from federal income tax.

IV. "Commission" means the state sweepstakes commission.

V. "Private campground" means privately owned property, open to the public upon payment of a fee, which has been divided into 10 or more defined spaces upon which tents may be erected or recreational vehicles may be parked for the purposes of recreational camping. "Private campground" shall not include mobile home parks as defined in RSA 205-A:1 or recreational camps, as defined in RSA 149:20.

287:2 Administration. The commission shall administer and enforce this chapter.



Except as provided in RSA 287:9, 10 and 10-a, the commission may issue beano and lucky 7 licenses only to charitable organizations.

Amend RSA 287:10-a, V as inserted by section 6 of the bill by striking out same and inserting in place thereof the following:

V. All prizes, tokens or awards used, given, offered or awarded in connection with any game or series of games in any calendar day shall equal the total beano revenues for that day from the sale of cards.

Amend RSA 287:10-a as inserted by section 6 of the bill by inserting after paragraph X the following new paragraphs:

XI. The campground shall have been in existence for at least 2 years in the city or town in which the beano games are to be conducted.

XII. The campground shall be in compliance at the time of application with all applicable state and local requirements for the operation of private campgrounds.

XIII. The campground shall maintain a current list of bona fide guests.

XIV. The campground shall not have been established solely for the purpose of operating beano games.

HB 598, relative to the establishment of a state park on state-owned land in the city of Laconia in honor of all former governors of the state. Ought to Pass.

The Committee agreed that conversion of the land to a state park is a very good use of land given to the state, and does not violate the spirit of the donor's will. A new park at that location will also provide the first and only "public access" for swimming and recreation on Lake Winnisquam. Vote 14-0. Rep. Gary S. Dionne for State Institutions.

HB 621, limiting library commissioners to 2 terms. Ought to Pass with Amendment. This bill will make the Library Commission more effective by ensuring better attendance. After a period of time, "burnout" appears. This bill restricts Library Commissioners from serving more than two consecutive terms. Vote 13-0. Rep. Patricia M. Lyons for State Institutions.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

limiting library commissioners to 2 consecutive terms.

Amend RSA 201-A:4 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

201-A:4 --Tenure. The term of office of each appointive commissioner shall be 5

years and until his successor is appointed and qualified. In case of a vacancy other than by the expiration of the term, the appointment of a successor shall be made for the balance of the term. No appointive commissioner shall be appointed to serve more than 2 consecutive terms.

Amend section 2 of the bill by striking out same and inserting in place thereof the following:

2 Board of Education Appointee. Amend RSA 201-A:6 as inserted by 1963, 21:1 by striking out said section and inserting in place thereof the following:

201-A:6 Member Appointed by the State Board of Education. In addition to the 5 appointive members of the state library commission the state board of education shall select a person to serve as a voting member on the commission. Such person shall serve no more than 2 consecutive terms.

HB 726-FN, relative to juvenile offenders at the youth development center. Refer for Interim Study.

It is the opinion of the Committee that this bill has merit, but the Committee is concerned that it not be passed in isolation. In addition, the Committee has proposed an amendment which eliminates the numbers of misdemeanors needed for commitment. Therefore, by a unanimous vote of 14-0 for interim study to be considered with subsequent legislation. Rep. Virginia O'Brien Irwin for State Institutions.

HB 299-FN, relative to a tax on income and making an appropriation therefor. Refer for Interim Study.

The Committee on a 14-3 vote felt that the issue needed further study. Issues of rate and distribution are currently under consideration by the subcommittee, and the Committee wished to retain this bill as a possible vehicle for raising revenue. Rep. Barbara Zeckhausen for Ways and Means.

HB 456-FN, to provide a loss carryover under the business profits tax. Inexpedient to Legislate.

The amount of income which would be lost could be substantial, and it was felt that the state could not afford this loss. Vote 19-0. Rep. Frederick G. Ahrens for Ways and Means.

HB 551-FN, relative to the catastrophic illness program and making an appropriation therefor. Ought to Pass with Amendment.

The amendment raises the tobacco tax one-quarter of a cent, which will raise \$540,000 for the General Fund. The bill also appropriates \$540,000 for the same program we have had on the books for the last year. The Committee did not vote to expand the program. Vote 18-0. Rep. W. Douglas Scamman for Ways and Means.

## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

relative to the catastrophic illness program and making an appropriation therefor and increasing the cigarette tax.

Amend RSA 137-G:2, II as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

II. "Catastrophic illness" means cancer, hemophilia, end-stage renal disease, spinal cord injury or cystic fibrosis, the treatment of which requires extensive medical care such as hospitalization, medication, diagnostic evaluation, surgery, dialysis, transplantation, therapy, or other associated medical expenses such as transportation to and from medical facilities.

Amend RSA 137-G:4 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

137-G:4 Catastrophic Illness Program Fund. There is hereby established the catastrophic illness program fund within the division of public health services, department of health and welfare, which shall be under the control of the director.

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 Cigarette Tax. Amend RSA 78:7 (supp) as amended by striking out in line 2 the number "12" and inserting in place thereof the following (12 1/4) so that said section as amended shall read as follows:

78:7 Tax Imposed. A tax upon the retail consumer is hereby imposed at the rate of 12 1/4 cents for each package containing 20 cigarettes or at a rate proportional to such rate for packages containing more or less than 20 cigarettes, on all tobacco products sold at retail in this state. The payment of the tax shall be evidenced by affixing stamps to the smallest packages containing the tobacco products in which such products usually are sold at retail. The word "package" as used in this section shall not include individual cigarettes. No tax is imposed on any transactions, the taxation of which by this state is prohibited by the Constitution of the United States.

3 Appropriation. There is hereby appropriated to the division of public health services, department of health and welfare, for the purposes of section 1 of this act the sum of \$540,000 for the fiscal year ending June 30, 1984, and the sum of \$540,000 for the fiscal year ending June 30, 1985. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

4 Effective Date. This act shall take effect July 1, 1983.

Referred to Appropriations.

HB 745-FN, amending the business profits tax. Ought to Pass with Amendment.

This is a housekeeping bill needed by the Department of Revenue Administration. Vote 19-0. Rep. Richard F. Ahern for Ways and Means.

## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

amending the business profits tax and transferring certain functions to the department of revenue administration.

Amend RSA 77-A:4, X as inserted by section 3 of the bill by striking out same and renumbering paragraphs XI and XII to read as X and XI respectively.

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 "Safe Harbor" Leases. Amend RSA 77-A by inserting after section 4 the following new section:

77-A:4-a Special Rule for "Safe Harbor" and Other Similar Leases. For the purpose of preserving income lost through federal changes to the United States Internal Revenue Code (1954), as amended, on leasing transactions, the commissioner shall adopt rules, pursuant to RSA 541-A, relative to deductions and additions to gross business profits for business organizations involved in leasing transactions known as "safe harbor" leases under section 168(f)(8) of the United States Internal Revenue Code (1954), as amended, or other similar leasing transactions.

5 Transfer of Functions. Amend RSA 82:3 by striking out said section and inserting in place thereof the following:

82:3 --How Determined. The department of revenue administration, in determining said average rate of taxation, shall not consider property specially taxed, savings bank deposits and polls.

6 Transfer of Functions. Amend RSA 82:4 by striking out said section and inserting in place thereof the following:

82:4 Hearings. The department of revenue administration, in determining the actual value of the property and estate of said corporations or companies, shall hold public hearings at times and places, notices of which shall be given in advance. Representatives of the state and of such corporations and companies and other persons shall be entitled to appear, be heard and offer evidence.

7 Transfer of Functions. Amend RSA 82:5 by striking out said section and inserting in place thereof the following:

82:5 Finding. The department of revenue administration shall receive and consider all evidence tending to show the actual value of the property and estate of said corporations and companies taxable hereunder, and upon all the evidence determine the actual value of the same.

8 Transfer of Functions. Amend RSA 82:6 by striking out said section and inserting in place thereof the following:

82:6 Condition of Property. In determining the actual value of the property and estate in this state of any such corporation or company, the department of revenue administration shall make careful inquiry into the condition of all of the property and estate, whether within or without the state, in order that the actual value of all that portion of the property and estate of such corporation or company within this state, and subject to taxation hereunder, may be accurately fixed and determined.

9 Transfer of Functions. Amend RSA 82:7 as amended by striking out said section and inserting in place thereof the following:

82:7 Evidence of Value. In addition to such other evidence as it may deem material and relevant in determining the value of any such corporation or company, the department of revenue administration shall consider the value of the physical property, real and personal, in this state, of such company or corporation as well as the fair average market value of the stocks and bonds for one year prior to April 1 preceding the assessment and the fair market value of any other funded or floating debt of such corporation or company representing permanent improvements or extensions. When the market value of the stocks and bonds of any such corporation or company cannot be ascertained for want of actual sales, or for any other reason, the net receipts of any such corporation or company, which shall be the difference between the gross earnings, whether by lease or by operation, and the operating expenses and taxes of the preceding year, capitalized at such percent as appears to be equitable under the circumstances, shall be considered as evidence of the value of the property and estate of such corporation or company.

10 Transfer of Functions. Amend RSA 82:8 by striking out said section and inserting in place thereof the following:

82:8 Proportionate Value. When only a portion of the property and estate of any such corporation or company is located within the state, the department of revenue administration, in determining the actual value thereof, shall consider its proportionate value to all the property and estate of such corporation or company.

11 Transfer of Functions. Amend RSA 82:9 by striking out said section and inserting in place thereof the following:

82:9 --Facts Material in Determining. In making a proportionate valuation the department of revenue administration shall take into consideration, among other things, the facts required to be reported by RSA 82:10-13.

12 Transfer of Functions. Amend RSA 82:10 by striking out said section and inserting in place thereof the following:

82:10 Statement of Corporation. Every such corporation or company shall, on or before July 1 annually, deliver to the department of revenue administration a statement under oath, showing number and par value of the shares of each class of its stock, and the market value of each share as

of April 1, the dividends paid per share on each class of stock during the preceding year and the dates of such payments, the date of issue, the number and denomination of each issue of its bonds, the interest paid during the preceding year, and the market value of each of said bonds, the amount of its floating indebtedness, with the interest paid on the same, and the average market value of said floating indebtedness during said preceding year, the gross receipts from whatever source derived for said preceding year, the amount expended from said receipts for operating expenses, not including any sum expended for physical betterment or transferred to surplus or sinking funds during said preceding year, the amount expended for physical betterments, or transferred to surplus or sinking funds during the preceding year, and whence derived, and the amount of money actually on hand in cash on said April 1.

13 Transfer of Functions. Amend RSA 82:14 by striking out said section and inserting in place thereof the following:

82:14 Further Information. Such corporations or companies shall also furnish to the department of revenue administration such further information and evidence as may be required by it.

14 Transfer of Functions. Amend RSA 82:15 by striking out said section and inserting in place thereof the following:

82:15 Doomsday. If any such corporation or company shall neglect seasonably to furnish such evidence, or to lay it before the department of revenue administration, such corporation or company may be doomed to pay a tax on double the value of its property and estate subject to taxation.

15 Transfer of Functions. Amend RSA 82:15-a as inserted by 1965, 13:1 by striking out said section and inserting in place thereof the following:

82:15-a Proportionality. In making its decision under the provisions of this chapter, when it shall appear to the department of revenue administration that the average rate of taxation upon other property throughout the state is, because of the undervaluation of other property, higher than it would be if such other property were appraised at its full and true value, the department shall give due consideration to the same and make such adjustment as will bring the assessment of the tax hereunder into proportion with the general level of assessments throughout the state.

16 Transfer of Functions. Amend RSA 82:17 (supp) as amended by striking out said section and inserting in place thereof the following:

82:17 Hearing. A taxpayer may appeal the commissioner of revenue administration's determination within 30 days by written application to the board of tax and land appeals. The board of tax and land appeals shall determine the correctness of the commissioner's action de novo.

17 Transfer of Functions. Amend RSA 82:19 by striking out said section and inserting in place thereof the following:

82:19 --By State. The attorney general shall attend the hearings given by the department of revenue administration in pursuance of RSA 82:4, and shall prosecute

an appeal in behalf of the state wherever such an appeal may be necessary to protect its interests.

18 Repeal. RSA 82:16 relative to certificates of decision is hereby repealed.

19 Effective Date. This act shall apply to returns and taxes due on account of taxable periods ending after June 30, 1983.

#### COMMITTEE REPORTS (Regular Calendar)

CACR 15, relating to limitation on state and local taxation and spending increases. Providing that taxation and expenditures shall not exceed the previous year's levels by more than 5 percent unless approved by 2/3 vote. Inexpedient to Legislate.

CACR 15 would take away the control towns now have over their budgets. It inhibits flexibility in the budget making process. The constitution is not the place for economic theory. Vote 11-0. Rep. Dennis H. Fields for Constitutional Revision.

Report adopted.

CACR 20, relating to the amount in controversy required for a jury trial. Providing that the amount be determined by law. Ought to Pass with Amendment.

This proposal would allow the Legislature to set the dollar amount involved in a case to be heard by a jury. The present \$500 constitutional limitation in light of the impact of inflation has created a monumental case backlog. This legislative flexibility will help the courts. The amendment corrects a mistake in drafting which erroneously referred to Article 20 Part second. It is changed to Article 20 Part first. Vote 10-0. Rep. Peter F. Wells for Constitutional Revision.

#### Amen dmen t

Amend the resolution by striking out paragraph I and inserting in place thereof the following:

I. Resolved, That article 20 of part first of the constitution be amended by striking out said article and inserting in place thereof the following:

Art. 20. Jury Trial in Civil Causes. In all controversies concerning property, and in all suits between 2 or more persons except those in which another practice is and has been customary and except those in which the value in controversy does not exceed a certain amount as determined by law and no title to real estate is involved, the parties have a right to a trial by jury. This method of procedure shall be held sacred unless, in cases arising on the high seas and in cases relating to mariners' wages, the legislature shall think it necessary to alter it.

Amendment adopted.

(Speaker presiding)  
YEAS 315 NAYS 4  
YEAS 315

BELKNAP: Birch, Bolduc, Bowler, Gary Dionne, French, Golden, Hardy, Holbrook, Lamprey, Matthew Locke, Pearson, Randall, David Whittemore and Zeckhausen.

CARROLL: Ashnault, Chase, Dickinson, Heath, Hraba, Kenneth MacDonald, McIntire, Murphy, Powers and Saunders.

CHESHIRE: Barber, Eugene Clark, Crane, Davis, Daniel Eaton, Galloway, Gordon, Grodin, Hickey, Elmer Johnson, Kennedy, Matson, David Meader, Michaelides, Miller, Robert Moore, Morse, Parker, Perkins, Perry, Margaret Ramsay, William Riley and Scranton.

COOS: Harold Burns, Chappell, Chardon, Coulombe, Guay, Horton, Langley, George Lemire, Oleson, Pelletier, Theriault, Valliere and York.

GRAFTON: Blair, Chambers, Christy, Copenhaver, Crory, Densmore, Downing, Driscoll, Duggan, Easton, Girouard, Harnish, Hutchings, Michael King, Wayne King, LaMott, Logan, Mann, McAvooy, Rounds, Stewart, Taffe, Walter and Weymouth.

HILLSBOROUGH: Debora Ahern, Richard Ahern, Ahrens, Arnold, Arris, Baker, Bass, Bergeron, Bolan, Boutwell, Burkush, John Burns, Carragher, Charbonneau, Cote, William Dion, Donovan, Duffett, Dupont, Duprey, Durant, Joseph Eaton, Fields, Ford, Gagnon, Galway, Gelinas, Grip, Harrington, George Hawkins, Head, Hendrick, Humphrey, Thomas Hynes, Jean, Kaklamanos, Kashulines, Katsiaficas, Keefe, Robert Kelley, Knight, John Lawrence, Lefebvre, Levesque, Lyons, Howard Mason, McGlynn, Migneault, Morrisette, Nelson, Nute, O'Rourke, Parmenter, Marjorie Peters, Pressly, Quinn, Reidy, Resch, Robbie, Ellen-Ann Robinson, Roy, Russell, Silva, B. P. Smith, Soucy, Spirov, Steiner, Stylianos, James, Sylvia, Talbot, Tamosi, Turgeon, Vachon, Van Loan, John Wallace, Roger Wallace, Ware, Geraldine Watson, Wells, Emma Wheeler, Kenneth Wheeler, Robert Wheeler, Eleanor Whittemore, M. Arnold Wight, Winn, Lucille Wood and Zajdel.

MERRIMACK: Allgeyer, Anderson, Bardsley, Bibbo, Laurent Boucher, Bowes, Chynoweth, Samuel Clark, Daniell, Dean, Degan, Gross, Jacobson, Kidder, Lewis, Arthur Locke, McDonnell, Mercier, Nichols, Pannell, Parrish, Phelps, Louise Roberts, William Roberts, Walter Robinson, Rogers, Shepard, Gerald R. Smith, Stark, Stio, Lawrence Sullivan, Underwood, Wallner and James Whittemore.

ROCKINGHAM: Ames, Bangs, Belanger, Benton, Blaisdell, Blake, Blanchard, Blanchette, William Boucher, Burdick, Butler, Campbell, Carpenito, Case, Cressy, Danderson, Drake, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Greene, Gregorio, Hollingworth, John Hynes, Joslyn, Keenan, Roger King, Kozacka, Krasker, Leslie, Longworth, Lovejoy, Mace, Malcolm, Robert Mason,



McLane, William Moore, Nagel, Nevins, Newell, Newman, Palumbo, Pantelakos, Pevear, Popov, Rosencrantz, Scamman, Schmidtchen, Schwane, Sherburne, Simon, Skinner, Sloan, Sochalski, Sytek, Tavitian, Tufts, Vartanian, Vecchione, Walker, Warburton, Webster, Raymond Wood and Woodward.

STRAFFORD: Appleby, Banks, Belhumeur, Bernard, Blouin, Bouchard, Chagnon, Chamberlin, Chisholm, Couture, Demers, Dingle, Albert Dionne, Donnelly, Fielding, Flynn, Hennessey, Hussey, Robert Jones, Joos, Kincaid, Lussier, Pelley, Arnold Peters, Francis Robinson, Sackett, Schreiber, Timm, Franklin Torr and Whiting.

SULLIVAN: Brodeur, Carlson, Converse, Cutting, D'Amante, Flint, Gray, Ingram, Irwin, Paul Johnson, Susan Lawrence, Palmer, Roney and Townsend.

#### NAYS 4

BELKNAP: Sanders.

CARROLL: None.

CHESHIRE: None.

COOS: None.

GRAFTON: None.

HILLSBOROUGH: Lambomarde and Peter Ramsey.

MERRIMACK: None.

ROCKINGHAM: Ellyson.

STRAFFORD: None.

SULLIVAN: None, and the Committee report was adopted by the Constitutional requirement of three fifths.

Ordered to third reading.

CACR 21, relating to the imposition of limits on state spending and increases in state spending and the establishment of a reserve fund. Providing that increases in state revenue shall not exceed the state's rate of economic growth, state spending shall not exceed 95 percent of the aggregate revenues of the current fiscal year, and a special fund reserve shall be established. Inexpedient to Legislate.

This proposal is a very complex and comprehensive attempt to limit state spending. Because of its experimental nature, the Committee feels strongly it should be tried as a statute first. Should flaws surface corrective action can be taken quickly whereas if it were in the Constitution it could take as long as two years to change. Vote 11-0. Rep. David J. Bouchard for Constitutional Revision.

Report adopted.

HB 643-FN, relative to fees, definitions and enforcement procedures relative to hazardous waste. Ought to Pass with Amendment.

This bill increases hazardous waste generator and facility application fees. The fees and fines levied will be paid into the hazardous waste cleanup fund. The amendment removes any fee on recycled hazardous waste in order to continue the incentive to recycle whenever possible.

Additional money is needed in the cleanup fund to be used as a match for the federal super fund and to clean up New Hampshire sites that do not qualify for super fund money.

The Committee commends the business community for its willingness to help in this important effort, but feels that the general public has a responsibility also. Therefore, the amendment states that any bonds or notes issued for the hazardous waste cleanup fund shall not be paid off from the fund itself. The amendment authorizes the local review committee to voluntarily engage a mediator during a siting proposal process.

The Committee wishes to make clear to the House that its amendment regarding no fees on recycled waste and the prohibition of payment on notes or bonds from the cleanup fund is contrary to the operating budget now in the Senate. This is a conflict that must be resolved. Vote 15-0. Rep. Barbara B. Bowler for Environment and Agriculture.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Definition Change. Amend RSA 147-A:2, XI (supp) as inserted by 1981, 413:2 as amended by striking out said paragraph and inserting in place thereof the following:

XI. "Operator" means any person who, either directly or indirectly, owns, operates, or otherwise controls or directs activities at a facility.

2 Definition Change. Amend RSA 147-A:2, XVIII (supp) as inserted by 1981, 413:2 as amended by inserting in line 3 after the word "other" the following (spent,) so that said section as amended shall read as follows:

XVIII. "Waste" means any matter consisting of: garbage, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility and other spent, discarded or abandoned material, including solid, liquid, semi-solid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but does not include solid or dissolved material in domestic sewage, or solid or dissolved material in irrigation return flows or industrial discharges which are point sources subject to permits under section 402 of the Federal Water Pollution Control Act as amended, or source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.



3 New Paragraph. Amend RSA 147-A:2 by inserting after paragraph XII the following new paragraph:

XII-a. "Spent material" means any material that has served its originally intended purpose and cannot be reused for that purpose without first being treated. A spent material may sometimes be discarded.

4 New Section: Qualifications and Procedures. Amend RSA 147-A:3 by inserting after paragraph XI the following new paragraph:

XII. Establishment of minimum qualifications and procedures for persons providing hazardous waste cleanup, emergency response or other services related to the effective implementation of this chapter and RSA 147-B.

5 Fee Change. Amend RSA 147-A:4, II (supp) as inserted by 1981, 413:2 by striking out said paragraph and inserting in place thereof the following:

II. A permit application fee not to exceed \$5,000 shall accompany each permit and permit renewal application. The amount of the fee shall reflect the relative effort necessary for review of the application. Permit application fees shall be used by the bureau for review of applications. In addition to the application fee, the applicant shall be responsible for all reasonable hearing costs incurred by the bureau.

6 New Paragraph. Amend RSA 147-A:4 (supp) as inserted by 1981, 413:2 by inserting after paragraph II the following new paragraph:

II-a. The bureau may conduct such reasonable studies and investigations and employ such consultants as it deems appropriate to carry out the purposes of this section; provided, however, that such studies and investigations are identified in rules adopted pursuant to this chapter. The cost of such studies, investigations, and consultants shall be borne by the applicant.

7 Fee Change. Amend RSA 147-A:6, II (supp) as inserted by 1981, 413:2 by striking out in line one the number "50" and inserting in place thereof the following (100) so that said paragraph as amended shall read as follows:

II. A permit application fee of \$100 shall accompany each permit and permit renewal application. The bureau shall refund the fee if the application is denied.

8 Notice. Amend RSA 147-A:14, I (supp) as inserted by 1981, 413:2 by striking out said paragraph and inserting in place thereof the following:

I. Issue an order to any person in violation of this chapter, a permit issued under this chapter, or a rule adopted under this chapter to comply with this chapter, the permit, or the rule, and require such remedial measures as may be necessary; or

9 New Section. Amend RSA 147-A by inserting after section 14 the following new section:

147-A:14-a Recording of Orders. Any order issued by the bureau pursuant to this chapter may be recorded in the registry of deeds for the county in which the subject facility is situated. A recorded order shall run with the land, provided that an appropriate description of the land involved

including the accurate name of the owner thereof shall be included in the order. No fee shall be charged for recording an order; however, a fee may be charged for discharging an order.

10 New Paragraph: Investigation Authorized. Amend RSA 147-A:16 (supp) as inserted by 1981, 413:2 by striking out said section and inserting in place thereof the following:

147-A:16 Criminal Penalty; Fine.

I. Any person shall be guilty of a class B felony if a natural person, or guilty of a felony if any other person who knowingly:

(a) Violates any provision of RSA 147-A or any rule adopted by the bureau relative to RSA 147-A;

(b) Violates any term or condition of a permit or an order issued under RSA 147-A;

(c) Makes or certifies a material false statement relative to any document required by RSA 147-A; or

(d) Tamper with a monitoring device or fails to comply with a monitoring method required under RSA 147-A.

II. Notwithstanding RSA 651:2, a natural person may, in addition to any sentence of imprisonment, probation or conditional discharge, be fined not more than \$50,000 if found guilty of any violation of RSA 147-A:16, I. Each day of violation shall constitute a separate offense.

III. Criminal penalties and fines imposed under RSA 147-A:16 shall be paid to the New Hampshire hazardous waste cleanup fund established under RSA 147-B:3.

IV. Notwithstanding RSA 106-B:15, police employees of the division of state police are authorized to conduct investigations, serve criminal process, and make arrests for violations of this chapter and any rules adopted under this chapter.

11 New Paragraph; Interest Due. Amend RSA 147-B:6 by inserting after paragraph IV the following new paragraph:

V. Notwithstanding any other provision of law, the interest and principal due on bonds and notes shall not be paid out of funds from the hazardous waste clean-up fund.

12 Paragraph Changed. Amend RSA 147-B:7, I (supp) as inserted by 1981, 413:3 by striking out said paragraph and inserting in place thereof the following:

I. The bureau shall adopt rules, after public hearing and pursuant to RSA 541-A, relative to:

(a) Time, amount and manner of payment of hazardous waste clean up fund fees;

(b) Required records to be kept by generators and by facility owners or operators of the type and quantity of hazardous waste generated and received;

(c) Certified reports required to be submitted with fee payments by generators and by facility owners and operators; and

(d) Exemption from the generator fee for generators participating in hazardous waste recycling programs.

13 New Subparagraph; Mediator. Amend RSA 147-B:7, II(b) by inserting after

subparagraph (2) the following new subparagraph:

(3) Obtaining the assistance of an impartial mediator for the voluntary settlement of disputes over the development of sites.

14 Hazardous Waste Cleanup Fund. Amend RSA 147-B:8 (supp) as inserted by 1981, 413:3 by striking out said section and inserting in place thereof the following:

147-B:8 Hazardous Waste Cleanup Fund Fees.

I. Every generator of hazardous waste located in this state who generates in a 3 month period 300 kilograms (661.5 pounds) or more of unrecycled hazardous waste shall pay a quarterly hazardous waste generator fee to the bureau. The quarterly fee on such waste shall be no more than \$.04 per kilogram (\$.018 per pound). Every generator described in this paragraph shall pay a minimum fee of \$50 per quarter. No generator shall be required to pay more than \$6,000 per quarter.

II. In computing the amount of hazardous waste generated in a 3 month period, a generator may deduct from the amount of hazardous waste generated the amount of hazardous waste recycled, in a manner approved by the bureau.

III. A quarterly fee shall be assessed on each hazardous waste facility located in New Hampshire that receives hazardous waste from out-of-state for the purpose of treating, storing, or disposing of such waste. Said fee shall be based solely on hazardous waste received by the facility from out-of-state sources. The fee on such waste shall be no more than \$.007 per kilogram (\$.003 per pound). The facility's owner or operator shall make the appropriate quarterly fee payments to the bureau.

IV. The bureau shall deposit fees collected under this section into the cleanup fund.

15 Committee Membership. Amend RSA 147-C:3 (supp) as inserted by 1981, 567:1 by striking out said section and inserting in place thereof the following:

147-C:3 Committee Membership. There shall be at least 5, but no more than 9, persons appointed to serve on the committee. At least one member shall be a chemical engineer if such a person is available for appointment. The governing body shall:

I. Appoint to the committee one or more members of:

(a) The planning board, if any,

(b) The board of adjustment, if any,

(c) The conservation commission, if any, and

(d) The fire department, if any; and

II. Appoint one of its own members to serve on the committee; and

III. Appoint one or more additional residents of the town to serve on the committee.

16 Effective Date.

I. Section 14 of this act shall take effect on July 2, 1983.

II. The remainder of this act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 729, relative to the naming of children on birth certificates. Ought to Pass.

This bill permits parents of a newborn child to give that child any surname they choose, which is in keeping with a number of recent court rulings on this issue. Vote 13-5. Rep. Dean Dexter for Executive Departments and Administration.

Ordered to third reading.

HB 797-FN, relative to mental health professionals. Refer for Interim Study. Although the Committee found merit in the establishment of a register of approved mental health professionals, substantial questions were raised regarding costs which would be incurred by the consumer as a result of expanding coverage of third party payments for mental health treatment. Also, concern was expressed over the board powers given to the Division of Mental Health under this bill. Vote 14-7. Rep. Charles F. Bass for Executive Departments and Administration.

Referred for Interim Study.

HB 645-FN, relative to certificate of need. Ought to Pass with Amendment. This bill establishes a health policy advisory committee and a certificate of need review board which is directed to adopt a state health plan for use in the certificate of need program established in RSA 151-C. Vote 13-2. Rep. Lynn Joslyn for Health and Welfare.

Amendment

Amend the bill by striking out section 10 and inserting in place thereof the following:

10 Authority and Structure of State Agency. Amend RSA 151-C:3 (supp) as inserted by 1979, 304:1 as amended by striking out said section and inserting in place thereof the following:

151-C:3 Authority and Structure of State Agency.

I. The state agency shall exercise such duties and powers as shall be necessary for the implementation of the certificate of need program in the state of New Hampshire, as provided by and consistent with this chapter.

II. To assist in the performance of its functions, the state agency may employ consultants and may contract with individuals and entities for the provision of services.

III. Nothing in this chapter shall in any way modify the authority of the insurance commissioner to regulate health maintenance organizations under RSA 420-B.

151-C:3-a Certificate of Need Review Board.

I. There is hereby established a certificate of need review board composed of 7 members to be appointed as follows:

(a) Three by the governor, one of whom shall be a provider of health care and 2 of whom shall be consumers of health care.

(b) One who shall be a consumer of health care by the speaker of the house.

(c) One who shall be a provider of health care by the president of the senate.

(d) Two by the commissioner of the department of health and welfare, one of whom shall be a consumer of health care having an educational or work background in finance or accounting and one of whom shall be a provider of health care.

II. The providers of health care appointed to the board under paragraph I shall be from 3 different recognized health care professions or professional associations. No vacant position on the board shall be filled with a person who represents a health care profession or professional association already represented on the board.

III. Each member of the board shall serve for a term of 3 years and may be reappointed.

IV. A member of the board may resign upon written notice to the person who appointed him. The person who appointed the resigning member shall appoint a replacement to fulfill the unexpired term. A member of the board may be discharged pursuant to RSA 4:1.

V. The governor shall appoint a chairman of the board from among its members. The chairman shall serve at the pleasure of the governor.

VI. Members of the board shall be reimbursed for such reasonable expenses incurred in carrying out the provisions of this chapter.

VII. The board shall be staffed with such full time classified employees from the division of public health services as are necessary to support the functions of the board.

VIII. The board shall be administratively attached to the division of public health services and shall exercise its powers, duties, functions and responsibilities independently of the division and the department of health and welfare, except as specifically provided by law. The board shall submit its budget requests and such reports required of it by law through the division of public health services.

#### 151-C:3-b Health Policy Advisory Committee.

I. There is hereby established a health policy advisory committee composed of 30 members appointed by the governor. The governor shall appoint members to the committee provided for in RSA 151-C:3-c, II from among the names presented him by a nomination committee as provided in paragraph II. Each member of the committee shall serve for a term of 3 years and may be reappointed.

II. The committee shall form a nomination committee from among its

members. The nomination committee shall present to the governor the names of 2 persons for appointment to the committee as each position on the committee provided for in RSA 151-C:3-c, II becomes available.

III. The committee shall have the responsibility and authority to:

(a) Develop and approve a state health plan for use in the certificate of need application and review process as provided in this chapter; such plan shall include standards and criteria for allocation of health care resources within the state;

(b) Hold hearings, issue notices of hearings, and take testimony;

(c) Promote the involvement of health care providers and consumers from all areas of the state for developing the state health plan;

(d) Serve as an advisory body to the department of health and welfare; and

(e) Evaluate all health care regulation within the state, including the certificate of need review process, and report the results of its evaluation together with any recommendations for legislation to the general court biennially; such report shall be made on or before December 1 of each even numbered year.

IV. The committee shall be staffed by full time classified employees from the office of the commissioner, department of health and welfare.

#### 151-C:3-c Qualifications of Committee Members.

I. The governor shall appoint 10 members to the health policy advisory committee as follows:

(a) Two from Carroll and Strafford counties;

(b) Two from Coos and Grafton counties;

(c) Two from Hillsborough and Rockingham counties;

(d) Two from Merrimack and Belknap counties; and

(e) Two from Sullivan and Cheshire counties.

II. The governor shall appoint 20 members to the health policy advisory committee with at least one member appointed from each of the following categories:

(a) Hospital administrators or trustees;

(b) Physicians;

(c) Business and industry

persons;

(d) Organized labor persons;

(e) Senior citizens;

(f) Physically handicapped

persons;

(g) Insurance industry, third party payers;

(h) Community health services agency administrators or trustees;

(i) Nurses;

(j) Long-term care providers;

(k) Municipal government

elected officials;

(l) County commissioners;

(m) Community mental health center administrators or trustees;

(n) Developmental disabilities agency administrators or trustees;

- (o) Environmental health persons;
- (p) Health manpower education persons;
- (q) The commissioner of the department of health and welfare, or designee; or
- (r) Persons chosen at large.

III. The governor shall appoint members to the health policy advisory committee in a manner to ensure the board consists of a majority of members who are consumers of health care.

151-C:3-d Technical Assistance. The division of public health services shall provide such technical assistance as is necessary to assist the office of state planning and development to carry out the function of Public Law 93-641 and amendments thereto.

Amend the bill by striking out sections 31 and 32 and inserting in place thereof the following:

31 Committee Membership. On the effective date of this act, all members of the state-wide health coordinating council shall become members of the health policy advisory committee established by RSA 151-C:3-b and shall serve for the remainder of their respective terms.

#### 32 Board; Staggered Terms.

I. Of the initial appointments to the certificate of need review board established by RSA 151-C:3-a, the members appointed shall serve as follows:

- (a) Appointments by governor:
  - (1) Consumer of health care....3 years.
  - (2) Provider of health care....3 years.
  - (3) Consumer of health care....1 year.
- (b) Appointment by speaker of the house, consumer of health care....2 years.

(c) Appointment by president of the senate, provider of health care....2 years.

(d) Appointments by commissioner, department of health and welfare:

- (1) Consumer of health care....1 year.
- (2) Provider of health care....1 year.

II. In order to avoid domination by any single health care profession or association among the providers of health care and to ensure that the providers of health care appointed under this section and RSA 151-C:3-a are from 3 different recognized health care professions or professional associations, the providers of health care shall be appointed as follows:

(a) The president of the senate shall not appoint a provider of health care in accordance with this section and RSA 151-C:3-a until the governor has made his appointment of a provider of health care;

(b) The commissioner, department of health and welfare shall not appoint a provider of health care in accordance with this section and

RSA 151-C:3-a until the governor and the president of the senate have made their respective appointments of providers of health care;

(c) Future appointments for full terms or for the filling of vacancies shall not be filled by a person who represents a health care profession or professional association already represented on the board.

Amendment adopted.

Ordered to third reading.

HB 453-FN, relative to disclosure of information by certain medical providers. Refer for Interim Study.

The disclosure of this information does have merit in protecting the various departments in expending state funds, but the procedures necessary to accomplish this while protecting, as well, the confidentiality which patients are entitled to caused the Committee to refer this matter for interim study. Vote 9-7. Rep. Frank J. Sylvia for Judiciary.

Referred for Interim Study.

HB 650-FN, relative to court procedures and the select commission to examine a unified court system. Ought to Pass with Amendment.

This bill makes several changes in court procedure and jurisdiction designed to ease the burden on the Superior Court and to reduce the costs of administering justice. Additionally, the bill extends the life of the Unified Court Commission and directs it to study the existing probate court system and the feasibility of establishing a family court. Vote 11-3. Rep. Donna P. Sytek for Judiciary.

#### Amendment

Amend RSA 502-A:14, II-a as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

II-a. EXPANDED CONCURRENT JURISDICTION. The supreme court shall have the authority to increase the concurrent jurisdiction as provided in paragraph II of those district courts it selects, after consultation with the individual district courts, to hear civil actions in which the damages claimed do not exceed \$20,000, the title to real estate is not involved, and the plaintiff or defendant resides within the district where such court is located. In all such actions, unless trial by jury is claimed as provided in RSA 502-A:15, the parties shall be heard by the justice, associate justice or special justice; and the findings of fact shall be final. Questions of law may be transferred to the supreme court in the same manner as from the superior court.

Amend RSA 502-A:19-b, I and II as inserted by section 8 of the bill by striking out same and inserting in place thereof the following:



I. Such defendant shall receive, in addition to his summons, a uniform fine schedule entitled "Notice of Fine, New Hampshire District and Municipal Courts" which shall contain the normal fines for violations of the provisions of Title XXI on vehicles, excluding violations of RSA 265:79, 265:82 or any offense for which the penalty is a misdemeanor or felony. The defendant shall be given a notice of fine indicating the amount of his fine plus penalty assessment at the time the summons is issued; except if, for cause, the summoning authority wishes the defendant to appear personally. Defendants summoned to appear personally must do so on the arraignment date specified in the summons. Defendants who are issued a summons and notice of fine and who wish to plead guilty or nolo contendere shall enter their plea on the summons and return it with payment of the fine plus penalty assessment to the clerk of the court prior to the arraignment date or appear in court on the date of arraignment.

II. If a defendant does not enter such a plea by mail prior to the arraignment date and if he does not appear personally on that date, the court may determine what the fine would be upon a plea of guilty or nolo contendere and may impose an administrative processing fee in addition to the fine and penalty assessments. The amount of this administrative fee shall be determined by the New Hampshire supreme court in accordance with the provisions of paragraph V. The court may continue the case to a definite date for arraignment. The clerk shall forthwith mail or deliver to the defendant a waiver of hearing form, approved by the administrative committee of the district and municipal courts, to be completed and returned by the defendant, together with the fine assessed by the court, to the court no later than the date to which the arraignment has been continued.

Amend the bill by striking out sections 12 and 13 and inserting in place thereof the following:

12 Duties of Select Commission. Amend 1979, 488:1 by striking out said section and inserting in place thereof the following:

488:1 Select Commission Established; Duties. A select commission is hereby established to examine the existing probate court system and to study the feasibility of creating a family court which would have jurisdiction over matters concerning annulment, divorce, separation, custody, alimony and support. The select commission shall also review the extent to which progress has been made in achieving a unified court system in New Hampshire.

13 Report on Probate Court System and Family Court. Amend 1979, 488:5 as amended by 1981, 562:8 by striking out said section and inserting in place thereof the following:

488:5 Meetings; Report. The commission shall meet as often as it deems necessary at such places as it shall determine and shall monitor the progress of all the courts towards the goal of a unified court system. The commission shall complete and shall present a report and proposed legislation

concerning the probate court system and the establishment of a family court, if it deems such legislation advisable, to the governor and the legislature by January 1, 1985, for consideration during the 1985 regular session of the legislature. The commission shall continue in existence until July 1, 1985.

Amend the bill by striking out section 17 and inserting in place thereof the following:

17 Court Records. Amend RSA 599 by inserting after section 599:1-b the following new section:

599:1-c Records Required. Any person charged with any violation which does not provide a basis for enhanced penalties for subsequent convictions for the same offense or who is charged with any other offense which might result in a conviction for a violation which does not provide a basis for enhanced penalties for subsequent convictions for the same offense may, at least 5 days prior to trial, request the district or municipal court that a record be kept of all proceedings in his trial. If such a request made, the district or municipal court shall provide the record at no cost to the person requesting the record.

11. A person sentenced by a district or municipal court for a violation which does not provide a basis for enhanced penalties for subsequent convictions for the same offense may, at the time the sentence is declared or within 30 days thereafter, appeal therefrom to the supreme court. On any such appeal, the district or municipal court shall, at no cost to the person, provide to the supreme court the record requested under paragraph I.

18 Effective Date.

1. Sections 10, 11 and 17 of this act shall take effect 60 days after its passage.

II. Sections 13, 14, 15 and 16 of this act shall take effect June 30, 1983.

III. The remainder of this act shall take effect January 1, 1984.

Amend the bill by inserting the following new section after section 2 of the bill and then renumbering the original sections 3-18 to read as 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19, respectively.

3 Cross Reference. Amend RSA 502-A:15 as inserted by 1963, 331:1 by striking out said section and inserting in place thereof the following:

502-A:15 Jury Trial. In cases in which the damages claimed exceed \$500 or the title to real estate is involved, if the defendant, upon the entry of any action for damages under RSA 502-A:14, II or II-a, within 5 days of the entry of the action or within such additional time as the district court for good cause may allow, files a written request for trial by jury, the cause shall be at once transferred to the superior court for the county in which the district is located, to be heard and tried as if originally entered in the superior court.



The original entry fee and cost of transferring the action shall be paid by the plaintiff but shall be recoverable as costs if the plaintiff prevails in the action.

Amendment adopted.

Ordered to third reading.

HB 676-FN, relative to sovereign immunity and the defense and indemnification of state employees. Refer for Interim Study.

The Committee believes that this bill has more important factors, but it cannot correct the problems in the short time available. Vote 10-4. Rep. Beverly Hollingworth for Judiciary.

Referred for Interim Study.

HB 706-FN, relative to the awarding of fees and other expenses in civil actions involving state agencies. Ought to Pass.

HB 706 will prevent state agencies from frivolous harrassment of small business. Vote 9-4. Rep. Daniel A. Eaton for Judiciary.

Ordered to third reading.

HB 801-FN, clarifying the power of the commission for human rights to order the payment of reasonable attorneys' fees. Ought to Pass.

The Committee believes that those citizens who have been egregiously wronged should be allowed to seek redress and justice in our state without the threat of a financial burden being imposed on them. Vote 8-6. Rep. Gregory J. Ahlgren for Judiciary.

Ordered to third reading.

HB 503-FN, creating a presumption that cardiovascular disease in police officers is occupationally related. Inexpedient to Legislate.

The Workmen's Compensation Law covering firefighters does offer an opportunity to the employer to show the cause is work-related; this bill does not. The measure does not adequately address the pre-existing physical condition of the police officers nor their habits and lifestyles, medical heredity, environmental exposure or work assignment. Vote 8-7. Rep. Robert S. Hawkins for Labor, Human Resources and Rehabilitation.

Resolution adopted.

HB 517-FN, relative to overtime pay. Refer for Interim Study.

The measure needs full indepth study relative to overtime pay of time and one-half for employees working in our state's recreational industry. Vote 11-6. Rep. Philip Weymouth for Labor, Human Resources and Rehabilitation.

Referred for Interim Study.

HB 743-FN, relative to certain retirement pay and unemployment compensation benefits. Ought to Pass with Amendment.

This measure would prohibit deductions from weekly unemployment compensation benefits of any weekly amount an individual would receive in a form of government, military or other pension, retirement or retired pay or annuity based on previous work. In 1976, federal law eliminated unemployment compensation to those with military retirements and other individuals with retirements, and then repealed it in 1979. The average military retiree of 20 years of service is 38 years of age. The amendment deals with an oversight of the "lockout" provision in RSA 282-A which was inadvertently left out in last session's recodification of the law. Vote 13-2. Rep. Philip H. Weymouth for Labor, Human Resources and Rehabilitation.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to unemployment compensation benefits.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Lockout. Amend RSA 282-A:36 by inserting after paragraph II the following new paragraph:

II-a. The stoppage of work was due solely to a lockout or the failure of the employer to live up to the provision of any agreement or contract of employment entered into between the employer and his employees; or

3 Effective Date. This act shall take effect January 1, 1983.

Amendment adopted.

Ordered to third reading.

HB 752-FN, defining full time employment for benefit purposes. Refer for Interim Study.

HB 752 needs further in-depth study relative to full-time employment, eligibility and participation in an employer fringe benefit program. Vote 14-6. Rep. Calvin Warburton for Labor, Human Resources and Rehabilitation.

Referred for Interim Study.

HB 778, relative to employee benefits in the event of a business closing. Refer for Interim Study.

The Committee felt this bill had merit, but there were problems that needed more study than can be given at this time. Vote 15-5. Rep. Martin P. Lussier for Labor, Human Resources and Rehabilitation.

Referred for Interim Study.

HB 782, relative to the public employee labor relations law. Ought to Pass with Amendment.

This bill adds matters regarding the principle of merit and collective bargaining to rules of procedure. It does not take away management rights, but provides equal rights with all employees. Vote 13-7. Rep. Merino Romoli for Labor, Human Resources and Rehabilitation.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Obligation of Organization to Bargain. Amend RSA 273-A:3, III as inserted by 1975, 490:2 by striking out said paragraph and inserting in place thereof the following:

III. Nothing herein shall be construed to diminish the authority of the state personnel commission or any board or agency established by statute, charter or ordinance to conduct and grade merit examinations from which appointments or promotions may be made, as long as such actions are taken under conditions of political neutrality and are based upon principles of merit and competence.

2 Bargaining. Amend RSA 273-A:9 as inserted by 1975, 490:2 by striking out said section and inserting in place thereof the following:

273-A:9 Bargaining by State Employees. Cost items and terms and conditions of employment, including those prescribed under RSA 98:8, 98:13 and 98:15 and rules adopted pursuant thereto, except those prescribed under RSA 98:18 and 19 and other items not otherwise prohibited by RSA 273-A:3, III, affecting state employees generally shall be negotiated by the state, represented by the negotiating committee set out below, with all interested bargaining units. For purposes of bargaining under this section, the state negotiating committee shall include representatives of the office of the attorney general, the department of administration and control and the department of personnel, and such other members of the executive branch as the governor may designate. The governor shall designate a chairman from among its membership.

3 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 799-FN, relative to disqualification for unemployment benefits. Inexpedient to Legislate.

There are problems with the bill. It does not define immediate family. Unemployment compensation should be for those unemployed and willing to work, not for taking care of a member in the family. It would also pose a hardship on the employer as he would have no way of knowing how long he would have to

hold the job open. Vote 10-5. Rep. John E. Webster for Labor, Human Resources and Rehabilitation.

Resolution adopted.

HB 806-FN, relative to eligibility for unemployment compensation benefits for persons seeking part-time work. Inexpedient to Legislate.

This bill would have allowed a part-time worker to be eligible for unemployment compensation while only looking for part-time work. Vote 13-2. Rep. John E. Webster for Labor, Human Resources and Rehabilitation.

Resolution adopted.

HB 538-FN, relative to police presence at dances, carnivals and circuses. Ought to Pass with Amendment.

It is ridiculous to consider that only cities with a population of over 20,000 have the knowledge and expertise to determine, after consultation with the Chief of Police, with the Mayor and Board of Aldermen, that police officers are or are not required at public dances, carnivals, etc., in the cities. The Committee believes that every city and town, regardless of population, should be given the same rights, namely that the Chief of Police, in consultation with the Mayor and Board of Aldermen in a city, and the Chief of Police and the Board of Selectmen of a town, shall establish the policies and procedures for the attendance of police officers at public functions in the municipality. The consultations may result in a blanket authorization for the Chief to use best judgment, or a determination made on a case-by-case basis, as the need arises. Vote 9-3. Rep. Jon H. Perkins for Public Protection and Veterans Affairs.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to police presence at public meetings and functions.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Police Presence. Amend RSA 105:9 as amended by striking out said section and inserting in place thereof the following:

105:9 Public Meetings and Functions. The chief of police in any city or town, subject to the written approval of the mayor and board of aldermen, board of selectmen, or licensing board, shall decide whether it is necessary to detail police officers to attend a public meeting or function. If the chief of police decides that police attendance at such a function is necessary,

he shall detail one or more police officers to attend the same, whose services shall be paid for by the applicant. No person shall conduct a public meeting or function unless one or more police officers are in attendance, except in a case in which the chief of police has decided that such attendance is not necessary. Whoever violates the provision of this section shall be guilty of a misdemeanor.

2 Police Employment. Amend RSA 105:9-a as inserted by 1973, 532:20 by striking out said section and inserting in place thereof the following:

105:9-a Employing Police. The chief of police in any city or town may, in order to meet the requirements set forth in RSA 105:9, employ certified police officers of any other town in this state to preserve order among the persons attending any public meeting or function. Such officers shall have the powers there which they have in the towns for which they are appointed, and their services shall be paid for by the sponsor of the public meeting or function.

3 Repeal. RSA 105:9-b, relative to police presence at dances, carnivals and circuses, is hereby repealed.

4 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

Rep. Ames notified the Clerk that he wished to be recorded against HB 538.

Rep. Demers moved that CACR 21, relating to the imposition of limits on state spending and increases in state spending and the establishment of a reserve fund. Providing that increases in state revenue shall not exceed the state's rate of economic growth, state spending shall not exceed 95 percent of the aggregate revenues of the current fiscal year, and a special fund reserve shall be established, be Indefinitely Postponed, and spoke to his motion.

Motion adopted.

#### NOTICE OF RECONSIDERATION

Rep. Mann served notice that today or some subsequent day, as limited by the rules, he would ask the House to reconsider its action whereby it passed HB 816, relative to the election of representatives to the general court and the election of delegates to state party conventions from the city of Keene.

#### RECONSIDERATION

Rep. Demers moved that the House reconsider its action whereby it Indefinitely Postponed CACR 21, relating to the imposition of limits on state spending and increases in state spending and the establishment of a reserve fund. Providing that increases in state revenue shall not exceed the state's rate of economic growth, state spending shall not exceed 95 percent of the aggregate revenues of the current fiscal year, and a special fund reserve shall be established.

Rep. Rounds spoke to the motion. Reconsideration lost.

#### RECESS

#### INTRODUCTION OF GUESTS

Krysten Learned, Amy Callahan, John Farrer and James Delvaca, guests who have been selected to represent New Hampshire as Ambassadors to the Hugh O'Brian Youth Conference at the Epcot Center in Florida, guests of Reps. Spirow, Demers and Grassie.

#### COMMITTEE REPORTS (Regular Calendar)

HB 337, relative to cross-industry interstate banking and equalization of New Hampshire banking institutions. Majority: Refer for Interim Study. Minority: Ought to Pass with Amendment.

MAJORITY: The majority of the Committee felt more study was needed because this legislation is irreversible and the eventual impact to the State is uncertain. Vote 11-10. Rep. A. Leslie Burns for the Majority of Commerce, Housing and Consumer Affairs.

MINORITY: HB 337, as amended, would allow New Hampshire banks to compete more effectively and bring more financial resources to New Hampshire citizens. A long regulatory process would have to be satisfied before a New Hampshire bank could be acquired. National studies and analysis indicate interstate banking will create competition, efficiency, and greater capital resources within a state's banking system and also allow strong community banks to co-exist. (Reps. Elizabeth L. Crory, Catherine G. Lamy, George Michaelides, William Sullivan, Lawrence Guay, Roger R. Beliveau, C. Dana Christy, James L. Logan, Thomas Hynes, Gerald Vecchione for the Minority of Commerce, Housing and Consumer Affairs.)

Rep. Vecchione moved that the report of the Minority, Ought to Pass, be substituted for the report of the Majority, Refer for Interim Study, spoke to his motion and yielded to questions.

Reps. Harold Burns and B. P. Smith spoke against the motion and yielded to questions.

Reps. Demers, Chardon and Michaelides spoke in favor of the motion.

Reps. A. Leslie Burns, Drake, Longworth and Ingram spoke against the motion.

Rep. Crory spoke in favor of the motion and yielded to questions.

Rep. Townsend moved the previous question. Sufficiently seconded. Adopted.

Rep. Crory requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 156 NAYS 202  
YEAS 156

BELKNAP: Gary Dionne, Hardy and David Whittemore.

CARROLL: Robert Holmes and Murphy.

CHESHIRE: Barber, Davis, Daniel Eaton, Hickey, Lane, David Meader, Michaelides,

Robert Moore, Parker, Margaret Ramsay, Scranton and William Sullivan.

COOS: Chardon, Coulombe, Guay, Horton, George Lemire, Oleson, Pelletier, Theriault, Valliere and York.

CRAFTON: Chambers, Christy, Copenhaver, Crory, Densmore, Duggan, Easton, Girouard, Harnish, Michael King, Wayne King, LaMott, Logan, Rounds, Stewart, Taffe, Weymouth and Whitcomb.

HILLSBOROUGH: Debora Ahern, Richard Ahern, Arnold, Baker, Bergeron, Burkush, John Burns, Cote, William Dion, Duffett, Dupont, Clyde Eaton, Gelinas, Daniel Healy, Hendrick, Thomas Hynes, Michael Jones, Kaklamanos, Katsiaficas, Evelyn King, Lyons, Martineau, Howard Mason, Migneault, Nelson, Nickerson, Marjorie Peters, Quinn, Raiche, Peter Ramsey, Reidy, Robie, Roy, Russell, Silva, Soucy, Spirou, Steiner, Mary Sullivan, Turgeon, Vachon and Van Loan.

MERRIMACK: Bibbo, Chynoweth, Samuel Clark, Dean, Degnan, Gross, Mary Holmes, Kinhan, Mercier, Nichols, Pannell, Parrish, Stark, Lawrence Sullivan, Underwood, Wallner and James Whittemore.

ROCKINGHAM: Belanger, Beliveau, Blanchard, Blanchette, Campbell, Carpenito, Case, Connors, Cotton, Harry Flanders, Beverly Gage, Greene, John Hynes, Joslyn, Glenden Kelley, Kozacka, Krasker, Leslie, Joseph MacDonald, Mace, McLane, Nagel, Nevins, Popov, Scamman, Schmidtchen, Sochalski, Splaine, Sytek, Vecchione, Warburton and Raymond Wood.

STRAFFORD: Appleby, Banks, Belhumeur, Bernard, Chamberlin, Chisholm, Couture, Demers, Donnelly, Grassie, Kincaid, Pelley, Francis Robinson, Schreiber, Timm and Whiting.

SULLIVAN: Carlson, Converse, Cutting and Townsend.

#### NAYS 202

BELKNAP: Bastraw, Birch, Bolduc, Bowler, Dexter, French, Golden, Holbrook, Lamprey, Matthew Locke, Pearson, Randall, Sanders and Zeckhausen.

CARROLL: Ashnault, Chase, Dickinson, Heath, Hraba, Kenneth MacDonald, McIntire, Powers and Saunders.

CHESHIRE: Eugene Clark, Crane, Galloway, Gordon, Grodin, Elmer Johnson, Kennedy, Miller, Morse, Perkins, Perry and William Riley.

COOS: Harold Burns, Chappell and Langley.

CRAFTON: Blair, Downing, Driscoll, Hutchings, Mann, McAvoy, Walter and Ward.

HILLSBOROUGH: Ahrens, Arris, Bass, Bolan, Boutwell, Leslie Burns, Carragher, Charbonneau, Craig, Crotty, Donovan, Duprey, Durant, Joseph Eaton, Fields, Ford, Gagnon, Galway, Grasso, Grip, Harrington, George

Hawkins, Head, Humphrey, Jean, Kashulines, Keefe, Robert Kelley, Knight, Labombarde, John Lawrence, Leclerc, Lefebvre, David Lemire, Levesque, McGlynn, Morrisette, Nute, O'Rourke, Parmenter, Pressly, Resch, Ellen-Ann Robinson, B. P. Smith, Stylianos, James Sullivan, Sylvia, Talbot, Tamposi, John Wallace, Roger Wallace, Ware, Geraldine Watson, Harold Watson, Wells, Emma Wheeler, Kenneth Wheeler, Robert Wheeler, Eleanor Whittemore, Winn, Lucille Wood and Zajdel.

MERRIMACK: Allgeyer, Anderson, Bardsley, Laurent Boucher, Bowes, Cate, Daniell, Jacobson, Kidder, Lewis, Arthur Locke, McDonnell, Phelps, Doris Riley, Louise Roberts, William Roberts, Walter Robinson, Rogers, Savaria, Shepard, Gerald R. Smith and Stio.

ROCKINGHAM: Ames, Bangs, Benton, Blaisdell, Blake, William Boucher, Burdick, Butler, Cressy, Danderson, Day, Drake, Ellyson, John Flanders, Thomas Gage, Gregorio, Hollingworth, Kane, Katsakiores, Keenan, Roger King, LoFranco, Longworth, Lovejoy, Malcolm, Robert Mason, William Moore, Newell, Newman, Palumbo, Pantelakos, Pevear, Romoli, Rosencrantz, Schwaner, Sherburne, Simon, Skinner, Sloan, Stork, Tavitian, Tufts, Vartanian, Walker, Webster and Woodward.

STRAFFORD: Blouin, Bouchard, Chagnon, Dingle, Albert Dionne, Fielding, Flynn, Hennessey, Hussey, Robert Jones, Joos, Lussier, Arnold Peters, Sackett, Gerald L. Smith and Franklin Torr.

SULLIVAN: Brodeur, D'Amante, Flint, Gray, Ingram, Irwin, Paul Johnson, Susan Lawrence, Palmer and Reney, and the motion lost.

Referred for Interim Study.

HB 796, to regulate the actions of cooperatives. Inexpedient to Legislate. All members of the cooperative presently have access to the board of directors through the election process. They are encouraged to seek election. Vote 10-3. Rep. Peter F. Wells for Commerce, Housing and Consumer Affairs.

Rep. Easton moved that the words, Refer for Interim Study, be substituted for the Committee report, Inexpedient to Legislate, and spoke to his motion.

Rep. Mann spoke against the motion. Motion lost.

Resolution adopted.

HB 835, relative to the regulation of water utilities. Majority: Ought to Pass with Amendment. Minority: Inexpedient to Legislate.

MAJORITY: The bill gives the Public Utilities Commission greater powers to regulate small neighborhood private water utilities to insure reliability of service. As amended, it also raises two specialists from grade 28 to grade 30. Vote 10-9. Rep. Conrad L. Quimby for the Majority of Commerce, Housing and Consumer Affairs.



MINORITY: This legislation is not necessary as it creates more regulations. The Water Supply and Pollution Control Commission controls water utilities now. It require prior approval, quality testing of water and licensing of water system operators. Rep. Gerald Vecchione for the Minority of Commerce, Housing and Consumer Affairs.

#### Amendment

Amend RSA 362:4 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

362:4 Water Companies: Required Findings: When Exempt from Commission Regulation.

I. Every corporation, company, association, joint stock association, partnership or person owning or operating a water system or part of a water system on July 1, 1983, shall be deemed to be a public utility.

II. Every corporation, company, association, joint stock association, partnership or person seeking to own or operate a water system or part of a water system after July 1, 1983, shall first obtain approval from the commission after notice and hearing. Before granting approval, the commission shall find all the following:

(a) The proposed water company has the financial resources to own, operate and maintain satisfactory levels of quality water.

(b) The proposed water company has the professional capability and familiarity with the water utility industry to operate the water system.

(c) The public interest would be better served by the proposed water company than by an existing water utility.

III. If a water utility serves fewer than 10 consumers, each family, tenement, store or other establishment being considered a single consumer, the commission may exempt such water utility from any or all provisions of this title as the commission deems to be in the public interest.

Amend RSA 362:4-c as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

362:4-c Periodic Water Study Required.

I. The commission shall survey and study all water utilities in the state every 2 years. Based upon the study, the commission shall write a report which shall contain the following:

(a) A listing of all the water utilities in the state.

(b) The number of water utilities which have water supply or water pressure problems, or both.

(c) The member of water utilities which are in financial difficulty.

(d) The commission's recommendations as to consolidations between or among water utilities.

(e) Potential areas of new water utility development.

(f) The commission's recommendations for solving the problems experienced by water utilities in the state.

II. Each report of the commission shall be given to every member of the general court and to the governor. The commission's reports shall be available for public inspection at the commission's office in Concord.

Amend the bill by striking out section 3 and inserting in place thereof the following:

#### 3 Upgraded Positions.

I. The following positions in the public utilities commission are upgraded as follows:

(a) The water engineer to labor grade 30.

(b) The assistant finance director to labor grade 30.

II. Such sums as are necessary to finance the upgrading of the positions specified in paragraph I of this section are hereby appropriated from the utility assessment tax and shall be assessed on public utilities under RSA 363-A.

4 Effective Date. This act shall take effect July 1, 1983.

Rep. Vecchione moved that the report of the Minority, Inexpedient to Legislate, be substituted for the report of the Majority, Ought to Pass with Amendment, and spoke to his motion.

Reps. Sanders and Harold Burns spoke against the motion.

Motion lost.

Question being on the Committee amendment.

Amendment adopted.

Ordered to third reading.

CACR 9, relating to succession to the office of governor and the taking of the oath of office by the governor. Providing that the legislature provide for the election of a new governor to fill the unexpired term of a governor who dies, resigns or is declared unable to continue in office, and that no person who temporarily succeeds to the office of governor shall forfeit his elective office, that a justice of a New Hampshire court shall administer the oath of office to a newly-elected governor. Ought to Pass with Amendment.

CACR 9, as amended, makes provision for how to proceed when there is a prolonged vacancy in the Governor's office due to physical or mental disability, a subject not currently addressed by our constitution. It keeps the current line of succession for temporary vacancies as it is. It provides for a special election under certain time frames. The Committee recognizes that the odds strongly favor these provisions, and will never be used, but feels it wise to have these remote possibilities covered in our constitution. Vote 11-0. Rep. Eleanor H. Stark for Constitutional Revision.



## Amendment

Amend the title of the constitutional amendment - concurrent resolution by striking out same and inserting in place thereof the following:

relating to succession to the office of governor and the taking of the oath of office by the governor. Providing that in the event of a vacancy in the office of governor or the incapacity of the governor to perform his duties, the president of the senate, speaker of the house, secretary of state and state treasurer, in that order, shall be acting governor until the vacancy is filled or the incapacity removed; that if a vacancy in the office of governor for the remainder of the governor's term occurs before the commencement of the last year of his term, a special election for governor shall be held; that the incapacity of the governor shall be determined by his written declaration or by judgment of the supreme court; that the office of governor may be declared vacant by the general court when the governor or governor-elect has been incapacitated for a period of 6 months; and that a justice of a New Hampshire court shall administer the oath of office to a newly-elected governor.

Amend the constitutional amendment - concurrent resolution by striking out all after the resolving clause and inserting in place thereof the following:

I. Resolved, That article 49 of part second of the constitution be amended by striking out said article and inserting in place thereof the following:

Art. 49. President of Senate, etc., To Act as Governor When Office Vacant; Speaker of House To Act When Office of President of Senate Is Also Vacant. In the event of the death, resignation, removal from office, failure to qualify, physical or mental incapacity, absence from the state, or other incapacity of the governor, the president of the senate, for the time being, shall act as governor until the vacancy is filled or the incapacity is removed; and if the president of the senate, for any of the above-named causes, shall become incapable of performing the duties of governor, the same shall devolve upon the speaker of the house of representatives, for the time being, or in the case of the like incapacity of the speaker, upon the secretary of state, or in case of his like incapacity, upon the state treasurer, each of whom, in that order, shall act as governor, as hereinabove provided, until the vacancy is filled or the incapacity removed. Whenever a vacancy for the duration or remainder of the governor's term of office occurs before the commencement of the last year of such term, a special election for governor shall take place to fill the vacancy, as provided by law. Whenever the speaker of the house acts as governor, he shall act as such only until such time as the vacancy is filled or the

incapacity removed in either the office of governor or of president of the senate, whichever occurs first. Whenever either the secretary of state or the treasurer acts as governor, he shall act as such only until such time as the vacancy is filled or the incapacity removed in the offices of governor, of president of the senate or of speaker of the house, whichever occurs first. While acting as governor under this article, the president of the senate, speaker of the house, secretary of state or state treasurer, as the case may be, shall be styled Acting Governor, shall not be required to take an additional oath of office, shall have and exercise all the powers, duties and authorities of, and receive compensation equal to that of the office of governor; and the capacity of each such officer to serve as president of the senate as well as senator, speaker of the house of representatives as well as representative, secretary of state, or state treasurer, as the case may be, or to receive the compensation of such office, shall be suspended only. While the governor or an acting governor is absent from the state on official business, he shall have the power and authority to transact such business.

II. Resolved, That part second of the constitution be amended by inserting after article 49 the following new article:

Art. 49-A Prolonged Failure to Qualify; Vacancy in Office of Governor Due to Physical or Mental Incapacity, etc. Whenever the governor transmits to the secretary of state and president of the senate his written declaration that he is unable to discharge the powers and duties of his office by reason of physical or mental incapacity and until he transmits to them a written declaration to the contrary, the president of the senate, for the time being, shall act as governor as provided in article 49, subject to the succession provisions therein set forth. Whenever it reasonably appears to the attorney general and a majority of the council that the governor is unable to discharge the powers and duties of his office by reason of physical or mental incapacity, but the governor is unwilling or unable to transmit his written declaration to such effect as above provided, the attorney general shall file a petition for declaratory judgment in the supreme court requesting a judicial determination of the ability of the governor to discharge the powers and duties of his office. After notice and hearing, the justices of the supreme court shall render such judgment as they find warranted by a preponderance of the evidence; and, if the court holds that the governor is unable to discharge the powers and duties of his office, the president of the senate, for the time being, shall act as governor as provided in article 49, subject to the succession provisions therein set forth, until such time as the disability of the governor is removed or a newly elected governor is inaugurated. Such disability, once determined by the supreme court, may be removed upon petition for declaratory judgment to the supreme court by the governor if the court finds, after notice and hearing, by a preponderance of the evidence that the governor is able to

discharge the powers and duties of his office. Whenever such disability of the governor, as determined by his written declaration or by judgment of the supreme court, has continued for a period of 6 months, the general court may, by concurrent resolution adopted by both houses, declare the office of governor vacant. Whenever the governor-elect fails to qualify by reason of physical or mental incapacity or any cause other than death or resignation, for a period of 6 months following the inauguration date established by this constitution, the general court may, by concurrent resolution adopted by both houses, declare the office of governor vacant. The provisions of article 49 shall govern the filling of such vacancy, either by special election or continued service of an acting governor. If the general court is not in session when any such 6-month period expires, the acting governor, upon written request of at least 1/4 of the members of each house, shall convene the general court in special session for the sole purpose of considering and acting on the question whether to declare a vacancy in the office of governor under this article.

III. Resolved, That article 85 of part second of the constitution be amended by striking out said article and inserting in place thereof the following:

Art. 85. Before Whom Taken. The oaths or affirmations shall be taken and subscribed by the governor before a justice of a New Hampshire court, in the presence of both houses of the legislature, by the senators and representatives before the governor and council for the time being, and by all other officers before such persons and in such manner as the general court shall from time to time appoint.

IV. Resolved, That the above amendment proposed to the constitution be submitted to the qualified voters of the state at the state general election to be held in November, 1984.

V. Resolved, That the selectmen of all towns, cities, wards and places in the state are directed to insert in their warrants for the said 1984 election an article to the following effect: To decide whether the amendments of the constitution proposed by the 1983 session of the general court shall be approved.

VI. Resolved, That the wording of the question put to the qualified voters shall be:

Are you in favor of amending the Constitution to provide that in the event of a vacancy in the office of governor or the incapacity of the governor to perform his duties, the president of the senate, speaker of the house, secretary of state and state treasurer, in that order, shall be acting governor until the vacancy is filled or the incapacity removed; that if a vacancy in the office of governor for the remainder of the governor's term occurs before the commencement of the last year of his term, a special election for governor shall be held; that the incapacity of the governor shall be determined by his written declaration or by judgment of the supreme court; that the office of governor may be declared vacant by the general court when the governor or

governor-elect has been incapacitated for a period of 6 months; and that a justice of a New Hampshire court shall administer the oath of office to a newly-elected governor.

VII. Resolved, That the secretary of state shall print the question to be submitted on a separate ballot or on the same ballot with other constitutional questions. The ballot containing the question shall include 2 squares next to the question allowing the voter to vote "Yes" or "No." If no cross is made in either of the squares, the ballot shall not be counted on the question. The outside of the ballot shall be the same as the regular official ballot except that the words "Questions Relating to Constitutional Amendments proposed by the 1983 General Court" shall be printed in bold type at the top of the ballot.

VIII. Resolved, That if the proposed amendment is approved by 2/3 of those voting on the amendment, it becomes effective when the governor proclaims its adoption.

Rep. Jacobson spoke against the amendment.

Rep. Stark spoke in favor of the report and yielded to questions.

Rep. Sackett spoke in favor of the report.

Amendment adopted.

Question being on the Committee report, Ought to Pass with Amendment.

(Speaker presiding)

YEAS 257 NAYS 83

YEAS 257

BELKNAP: Bastraw, Birch, Bolduc, Bowler, French, Hardy, Lamprey, Matthew Locke, Pearson, Randall, Sanders, David Whittemore and Zeckhausen.

CARROLL: Chase, Dickinson, Robert Holmes, Hraha, Kenneth MacDonald, McIntire, Murphy, Powers and Saunders.

CHESHIRE: Barber, Eugene Clark, Daniel Eaton, Gordon, Grodin, Hickey, Kennedy, Lane, David Meader, Michaelides, Miller, Morse, Parker, Perkins, Margaret Ramsay, William Riley, Scranton and William Sullivan.

COOS: Harold Burns, Chappell, Chardon, Coulombe, Guay, Horton, Langley, Pelletier, Theriault, Valliere and York.

CRAFTON: Blair, Chambers, Christy, Crory, Densmore, Downing, Driscoll, Duggan, Girouard, Hutchings, Wayne King, LaMott, Logan, Mann, McAvoy, Rounds, Stewart, Taffe, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Debora Ahern, Richard Ahern, Ahrens, Arnold, Arris, Bass, Bolan, Boutwell, John Burns, Leslie Burns, Carragher, Charbonneau, Cote, Craig, Duffett, Duprey, Clyde Eaton, Joseph Eaton, Fields, Ford, Galway, Grasso, Grip, Harrington, George Hawkins, Head, Hendrick, Humphrey, Thomas Hynes, Kaklamanos, Kashulines, Katsiaficas, Keefe, Robert Kelley, Evelyn King, Knight, Labombarde, John Lawrence, Leclerc, Lefebvre, Levesque,

Lyons, Martineau, McGlynn, Migneault, Morrisette, Nute, Parmenter, Pressly, Quinn, Raiche, Robie, Ellen-Ann Robinson, Roy, Russell, Silva, B. P. Smith, Leonard Smith, Soucy, Spirou, Steiner, Stylianos, Mary Sullivan, Sylvia, Talbot, Tamposi, Vachon, Roger Wallace, Geraldine Watson, Harold Watson, Wells, Emma Wheeler, Eleanor Whittemore, Winn, Lucille Wood and Zajdel.

MERRIMACK: Allgeyer, Bardsley, Bibbo, Laurent Boucher, Bowes, Cate, Dean, Degnan, Gross, Kidder, Lewis, McDonnell, Nichols, Parrish, Phelps, Doris Riley, Louise Roberts, Rogers, Savaria, Shepard, Gerald R. Smith, Stark, Lawrence Sullivan and Wallner.

ROCKINGHAM: Bangs, Belanger, Beliveau, Benton, Blaisdell, Blanchette, William Boucher, Campbell, Carpenito, Case, Connors, Cressy, Danderson, Day, Harry Flanders, Beverly Gage, Greene, Hollingworth, John Hynes, Joslyn, Kane, Katsakiores, Keenan, Glenden Kelley, Roger King, Kozacka, Krasker, Leslie, Longworth, Lovejoy, Joseph MacDonald, Mace, Malcolm, Robert Mason, McLane, Nagel, Nevins, Newman, Palumbo, Pantelakos, Popov, Romoli, Scamman, Schmidtchen, Sherburne, Skinner, Sloan, Sochalski, Sytek, Tavitian, Vartanian, Vecchione, Walker, Webster, Raymond Wood and Woodward.

STRAFFORD: Appleby, Banks, Bernard, Bouchard, Chisholm, Couture, Dingle, Albert Dionne, Fielding, Hennessey, Robert Jones, Joos, Kincaid, Pelley, Francis Robinson, Sackett, Schreiber, Gerald L. Smith, Franklin Torr and Whiting.

SULLIVAN: Converse, Cutting, D'Amante, Gray, Ingram, Irwin, Palmer, Reney and Townsend.

NAYS 83

BELKNAP: Dexter, Gary Dionne, Golden and Holbrook.

CARROLL: Ashnault and Heath.

CHESHIRE: Crane, Davis, Galloway, Elmer Johnson, Robert Moore and Perry.

COOS: Oleson.

GRAFTON: Easton and Harnish.

HILLSBOROUGH: Bergeron, Burkush, William Dion, Donovan, Gagnon, Daniel Healy, Jean, Michael Jones, David Lemire, Nelson, Nickerson, O'Rourke, Peter Ramsey, Reidy, Resch, James Sullivan, Turgeon, Van Loan, John Wallace, Ware, Kenneth Wheeler and Robert Wheeler.

MERRIMACK: Anderson, Chynoweth, Samuel Clark, Daniell, Mary Holmes, Jacobson, Kinhan, Arthur Locke, Mercier, Pannell, Walter Robinson, Underwood and James Whittemore.

ROCKINGHAM: Ames, Blake, Blanchard, Butler, Drake, Ellyson, Thomas Gage, Gregorio, LoFranco, William Moore, Pevear,

Rosencrantz, Schwaner, Simon, Splaine, Stork, Tufts and Warburton.

STRAFFORD: Belhumeur, Blouin, Chagnon, Chamberlin, Donnelly, Flynn, Hussey, Lussier, Arnold Peters and Timm.

SULLIVAN: Brodeur, Carlson, Flint, Paul Johnson and Susan Lawrence, and CACR 9 was adopted by the constitutional requirement of three-fifths.

Ordered to third reading.

CACR 10, relating to the budget. Providing that it shall not contain non-germane amendments, sections or footnotes. Inexpedient to Legislate.

If action on the elimination of non-germane amendments, sections or footnotes in the general appropriation bill or supplementary budget are to be made, they should be made by the House by changing the House Rules. A Constitutional Amendment is not necessary nor wise to carry out the provisions of this bill. Vote 11-0. Rep. Roger Stewart for Constitutional Revision.

Rep. Elmer Johnson moved that the words, Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate, and spoke to his motion.

Reps. Stewart, Jacobson, Chase and Spirou spoke against the motion.

Rep. Sackett spoke in favor of the motion.

Rep. Townsend moved the previous question. Sufficiently seconded. Adopted.

(Speaker presiding)

YEAS 24 NAYS 321

YEAS 24

BELKNAP: Matthew Locke.

CARROLL: Dickinson.

CHESHIRE: Barber, Elmer Johnson and Perry.

COOS: None.

GRAFTON: Easton.

HILLSBOROUGH: Cote, Daniel Healy, Labombarde, Morrisette, Paradis and B. P. Smith.

MERRIMACK: Daniell.

ROCKINGHAM: Blake, Cressy, Ellyson, LoFranco, Rosencrantz, Sherburne and Warburton.

STRAFFORD: Chagnon, Hennessey and Sackett.

SULLIVAN: D'Amante.

NAYS 321

BELKNAP: Bastraw, Birch, Bolduc, Bowler, Dexter, Gary Dionne, French, Golden, Hardy, Robert Hawkins, Holbrook, Lamprey, Pearson, Randall, Sanders, David Whittemore and Zeckhausen.

CARROLL: Ashnault, Chase, Heath, Robert Holmes, Hraba, Kenneth MacDonald, McIntire, Murphy, Powers and Saunders.

CHESHIRE: Eugene Clark, Crane, Davis, Daniel Eaton, Gordon, Grodin, Hickey, Kennedy, Lane, David Meader, Michaelides, Miller, Robert Moore, Morse, Parker, Perkins, Margaret Ramsay, William Riley, Scranton and William Sullivan.

COOS: Harold Burns, Chappell, Chardon, Coulombe, Guay, Horton, Langley, Pelletier, Theriault, Valliere and York.

CRAFTON: Blair, Christy, Crory, Densmore, Downing, Driscoll, Duggan, Cirouard, Harnish, Hutchings, Wayne King, LaMott, Logan, Mann, McAvoy, Rounds, Stewart, Taffe, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Debora Ahern, Richard Ahern, Ahrens, Arnold, Arris, Baker, Bass, Bergeron, Bolan, Boutwell, Burkush, John Burns, Leslie Burns, Carragher, Charbonneau, Craig, Crotty, William Dion, Donovan, Duffett, Dupont, Duprey, Durant, Clyde Eaton, Joseph Eaton, Fields, Ford, Gagnon, Grasso, Grip, Harrington, George Hawkins, Head, Hendrick, Humphrey, Thomas Hynes, Jean, Michael Jones, Kaklamanos, Kashulines, Keefe, Robert Kelley, Evelyn King, Knight, John Lawrence, Leclerc, Lefebvre, David Lemire, Levesque, Lyons, Martineau, Howard Mason, McGlynn, Migneault, Nelson, Nickerson, Nute, O'Rourke, Parmenter, Marjorie Peters, Pressly, Quinn, Raiche, Peter Ramsey, Reidy, Resch, Robie, Ellen-Ann Robinson, Roy, Russell, Silva, Leonard Smith, Spirou, Steiner, Stylianos, James Sullivan, Mary Sullivan, Sylvia, Talbot, Tamposi, Turgeon, Vachon, Van Loan, John Wallace, Roger Wallace, Ware, Geraldine Watson, Harold Watson, Wells, Emma Wheeler, Kenneth Wheeler, Robert Wheeler, Eleanor Whittemore, Winn and Zajdel.

MERRIMACK: Allgeyer, Anderson, Barsdley, Bibbo, Laurent Boucher, Bowes, Cate, Chynoweth, Samuel Clark, Dean, Degnan, Gross, Mary Holmes, Jacobson, Kidder, Kinhan, Lewis, Arthur Locke, MacDonald, Mercier, Pannell, Parrish, Phelps, Doris Riley, Louise Roberts, William Roberts, Walter Robinson, Rogers, Savaria, Gerald R. Smith, Stark, Stio, Lawrence Sullivan, Underwood, Wallner and James Whittemore.

ROCKINGHAM: Ames, Bangs, Belanger, Beliveau, Benton, Blaisdell, Blanchard, Blanchette, William Boucher, Butler, Campbell, Carpenito, Case, Connors, Cotton, Danderson, Day, Drake, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Greene, Gregorio, Hollingworth, John Hynes, Joslyn, Kame, Katsakiores, Keenan, Glenden Kelley, Roger King, Kozacka, Krasker, Leslie, Longworth, Lovejoy, Joseph MacDonald, Mace, Malcolm, Robert Mason, McLane, William Moore, Nagel, Nevins, Newman, Palumbo, Pantelakos, Pevear, Popov, Romoli, Scamman, Schmidchen, Schwaner, Simon, Skinner, Sloan, Sochalski, Spaine, Stork, Sytek, Tavitian, Tufts, Vartanian, Vecchione, Walker, Webster, Raymond Wood and Woodward.

STRAFFORD: Appleby, Banks, Belhumeur, Bernard, Blouin, Bouchard, Chamberlin, Chisholm, Couture, Demers, Dingle, Albert Dionne, Donnelly, Fielding, Flynn, Hussey, Robert Jones, Joos, Kincaid, Lussier, Pelley, Arnold Peters, Francis Robinson, Schreiber, Gerald L. Smith, Timm and Franklin Torr.

SULLIVAN: Brodeur, Carlson, Converse, Cutting, Flint, Gray, Ingram, Irwin, Paul Johnson, Susan Lawrence, Palmer, Reney and Townsend, and the motion lost.  
Report adopted.

CACR 11, relating to meetings of the legislature. Providing that the legislature shall meet in annual sessions and receive mileage for not more than 45 legislative days during the session. Majority: Ought to Pass. Minority: Inexpedient to Legislate.

MAJORITY: The majority of the Committee feels annual sessions would improve the budget making process by allowing for annual budgets. Forecasting income and expenditures would be more accurate. The legislature has met in special sessions every off year with one exception since 1969 to deal with budget problems. Vote 5-4. Rep. Geraldine S. Bangs for the Majority of Constitutional Revision.

MINORITY: There appears to be no overwhelming reason to change a system that now works well. Small inconveniences do not necessitate major changes. Rep. Peter F. Wells for the Minority of Constitutional Revision.

Rep. Wells moved that the report of the Minority, Inexpedient to Legislate, be substituted for the report of the Majority, Ought to Pass, and spoke to his motion.

Reps. Bangs, Ahrens, Kaklamanos and Jacobson spoke against the motion.

Rep. Tamposi moved the previous question. Sufficiently seconded. Adopted.  
Motion lost.

(Speaker presiding)

YEAS 284 NAYS 65

YEAS 284

BELKNAP: Bastraw, Birch, Bolduc, Bowler, Dexter, Gary Dionne, French, Hardy, Robert Hawkins, Holbrook, Lamprey, Randall, David Whittemore and Zeckhausen.

CARROLL: Ashnault, Chase, Dickinson, Robert Holmes, Hraba, Kenneth MacDonald, Murphy and Powers.

CHESHIRE: Barber, Eugene Clark, Crane, Davis, Daniel Eaton, Gordon, Grodin, Hickey, Kennedy, Lane, David Meader, Michaelides, Miller, Robert Moore, Morse, Parker, Perkins, Perry, Margaret Ramsay, William Riley, Scranton and William Sullivan.

COOS: Harold Burns, Chappell, Chardon, Coulombe, Guay, Horton, Langley, George Lemire, Pelletier, Theriault and Valliere.

CRAFTON: Blair, Chambers, Copenhaver, Crory, Densmore, Downing, Driscoll,



Girouard, Harnish, Hutchings, Wayne King, LaMott, Logan, Mann, McAvoy, Rounds, Stewart, Taffe, Walter, Ward and Whitcomb.

HILLSBOROUGH: Debora Ahern, Richard Ahern, Ahrens, Arnold, Arris, Baker, Bass, Bergeron, Bolan, Burkush, Carragher, Charbonneau, Cote, Craig, William Dion, Donovan, Dupont, Duprey, Durant, Joseph Eaton, Ford, Grip, Harrington, George Hawkins, Head, Hendrick, Thomas Hynes, Jean, Kaklamanos, Kashulines, Keefe, Robert Kelley, Evelyn King, Knight, John Lawrence, Lyons, Martineau, Howard Mason, McGlynn, Migneault, Morrisette, Nelson, Nute, O'Rourke, Parmenter, Marjorie Peters, Pressly, Quinn, Raiche, Peter Ramsey, Resch, Robie, Ellen-Ann Robinson, Roy, Russell, Silva, B. P. Smith, Leonard Smith, Soucy, Spirou, James Sullivan, Mary Sullivan, Sylvia, Talbot, Tamposi, Van Loan, John Wallace, Roger Wallace, Ware, Eleanor Whittemore, Winn and Zajdel.

MERRIMACK: Anderson, Bardsley, Bibbo, Laurent Boucher, Bowes, Cate, Samuel Clark, Daniell, Dean, Degnan, Gross, Mary Holmes, Jacobson, Kidder, Kinhan, Lewis, McDonnell, Mercier, Nichols, Pannell, Parrish, Phelps, Doris Riley, Louise Roberts, Walter Robinson, Rogers, Savaria, Gerald R. Smith, Stark, Stio, Lawrence Sullivan, Underwood and Wallner.

ROCKINGHAM: Ames, Bangs, Belanger, Benton, Blaisdell, Blake, Blanchard, Blanchette, William Boucher, Burdick, Butler, Campbell, Carpenito, Case, Connors, Cotton, Cressy, Danderson, Day, Harry Flanders, John Flanders, Beverly Gage, Greene, Gregorio, Hollingworth, John Hynes, Joslyn, Kane, Katsakiores, Glenden Kelley, Roger King, Kozacka, Krasker, Leslie, Joseph MacDonald, Mace, McLane, William Moore, Nagel, Newell, Newman, Palumbo, Pevear, Popov, Romoli, Rosencrantz, Schmidtchen, Schwaner, Sherburne, Simon, Skinner, Sloan, Sochalski, Splaine, Stork, Sytek, Tavitian, Tufts, Vartanian, Walker, Warburton, Webster and Woodward.

STRAFFORD: Appleby, Banks, Belhumeur, Bernard, Bouchard, Chagnon, Chamberlin, Chisholm, Couture, Demers, Albert Dionne, Donnelly, Fielding Flynn, Grassie, Hussey, Robert Jones, Joos, Kincaid, Pelley, Arnold Peters, Francis Robinson, Sackett, Schreiber, Gerald L. Smith, Timm and Franklin Torr.

SULLIVAN: Brodeur, Converse, Cutting, D'Amante, Flint, Gray, Ingram, Irwin, Paul Johnson, Susan Lawrence, Palmer, Reney and Townsend.

#### NAYS 65

BELKNAP: Golden, Matthew Locke, Pearson and Sanders.

CARROLL: Heath, McIntire and Saunders.

CHESHIRE: Elmer Johnson.

COOS: York.

GRAFTON: Christy, Duggan, Easton and Weymouth.

HILLSBOROUGH: Boutwell, John Burns, Leslie Burns, Crotty, Duffett, Clyde Eaton, Field, Gagnon, Galway, Grasso, Daniel Healy, Humphrey, Michael Jones, Labombarde, Leclerc, Lefebvre, Levesque, Nickerson, Reidy, Steiner, Turgeon, Vachon, Geraldine Watson, Wells, Emma Wheeler, Kenneth Wheeler and Robert Wheeler.

MERRIMACK: Allgeyer, Chynoweth, Arthur Locke, William Roberts, Shepard and James Whittemore.

ROCKINGHAM: Beliveau, Drake, Ellyson, Thomas Gage, Keenan, LoFranc, Longworth, Lovejoy, Malcolm, Robert Mason, Nevins, Vecchione and Raymond Wood.

STRAFFORD: Blouin, Dingle, Hennessey, Lussier and Whiting.

SULLIVAN: Carlson, and CACR 11 was adopted by the constitutional requirement of three-fifths.

Ordered to third reading.

HB 374, relative to home rule for siting hazardous waste facilities. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: The majority of the Committee felt that this bill would not solve the problem of proper siting for facilities which are needed if we are to maintain the favorable business climate which is basic to our economy. It would instead be more apt to result in refusal by any town to allow a facility. This would be true even if one was environmentally acceptable since there is a very emotional and negative reaction, due to the general public perception of these facilities as dangerous beyond control. More properly they need to be considered as solutions to an existing severe problem for New Hampshire business activities. Properly regulated and controlled, they are absolutely required to keep New Hampshire what we want it to be. Lacking these proper solutions our industries may have to choose between excessively costly export costs or illegal disposals. Vote 11-7. Rep. Elizabeth A. Greene for the Majority of Environment and Agriculture.

MINORITY: The home rule option represents the only means of insuring local participation in siting hazardous waste treatment, storage or disposal facilities. Reps. Victor J. Joos, Roberta Pevear, Harold Chisholm, Jack LoFranc and Ellen Cressy for the Minority of Environment and Agriculture.

Rep. Joos moved that the report of the Minority, Ought to Pass, be substituted for the report of the Majority, Inexpedient to Legislate, and spoke to his motion.

Reps. Anderson, Timm and Bowler spoke against the motion.

Reps. Grodin and Spirou spoke in favor of the motion.



Rep. Hollingworth spoke to the motion and yielded to questions.

Rep. Townsend moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 168 NAYS 177

YEAS 168

BELKNAP: Bolduc, Gary Dionne, Golden, Robert Hawkins and David Whitemore.

CARROLL: Ashnault, Dickinson, Heath, Robert Holmes, Hraba, McIntire, Murphy and Powers.

CHESHIRE: Barber, Eugene Clark, Crane, Davis, Grodin, Hickey, David Meader, Michaelides, William Riley and William Sullivan.

COOS: Coulombe, Guay, Langley, George Lemire, Pelletier, Theriault, Valliere and York.

GRAFTON: Chambers, Duggan, Easton, Girouard, Harnish, Wayne King and Weymouth.

HILLSBOROUGH: Debora Ahern, Richard Ahern, Baker, Bass, Bergeron, Boutwell, Burkush, Cote, Crotty, William Dion, Donovan, Dupont, Duprey, Durant, Fields, Gagnon, George Hawkins, Hendrick, Jean, Michael Jones, Evelyn King, Lefebvre, David Lemire, Lyons, McGlynn, Migneault, Morrissette, Nelson, Nickerson, O'Rourke, Parmenter, Quinn, Raiche, Peter Ramsey, Reidy, Resch, Ellen-Ann Robinson, Roy, Russell, Silva, Soucy, Spirou, Stylianos, James Sullivan, Mary Sullivan, Talbot, Turgeon, Vachon, John Wallace, Roger Wallace, Robert Wheeler, Winn and Zajdel.

MERRIMACK: Laurent Boucher, Cate, Chynoweth, Daniell, Degnan, Jacobson, Kinhan, Mercier, Parrish, Doris Riley, Louise Roberts, William Roberts, Underwood and Wallner.

ROCKINGHAM: Bangs, Belanger, Beliveau, Blake, Blanchard, Blanchette, Burdick, Butler, Carpenito, Connors, Cotton, Cressy, Ellyson, Beverly Gage, Thomas Gage, Hollingworth, John Hynes, Joslyn, Keenan, Glenden Kelley, Krasker, Leslie, LoFranco, Joseph MacDonald, Robert Mason, William Moore, Newman, Palumbo, Pevear, Sherburne, Simon, Splaine, Stork and Webster.

STRAFFORD: Banks, Belhumeur, Bernard, Blouin, Chagnon, Chamberlin, Chisholm, Couture, Demers, Dingle, Albert Dionne, Donnelly, Fielding, Flynn, Grassie, Hennessey, Hussey, Joos, Kincaid, Lussier, Pelley, Arnold Peters, Francis Robinson, Schreiber and Whiting.

SULLIVAN: Carlson, Converse, Irwin and Susan Lawrence.

NAYS 177

BELKNAP: Bastraw, Birch, Bowler, Dexter, French, Hardy, Holbrook, Lamprey, Pearson, Randall, Sanders and Zeckhausen.

CARROLL: Chase, Kenneth MacDonald and Saunders.

CHESHIRE: Daniel Eaton, Gordon, Elmer Johnson, Kennedy, Lane, Miller, Parker, Perkins, Perry, Margaret Ramsay and Scranton.

COOS: Harold Burns, Chappell, Horton and Oleson.

GRAFTON: Blair, Christy, Copenhaver, Crory, Densmore, Downing, Driscoll, Hutchings, LaMott, Logan, Mann, McAvoy, Rounds, Stewart, Taffe, Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Arris, Bolan, John Burns, Leslie Burns, Carragher, Charbonneau, Craig, Duffett, Joseph Eaton, Ford, Galway, Grasso, Grip, Harrington, Head, Daniel Healy, Humphrey, Thomas Hynes, Kashulines, Keefe, Robert Kelley, Knight, Labomarde, John Lawrence, Leclerc, Levesque, Martineau, Howard Mason, Nute, Paradis, Marjorie Peters, Pressly, Robie, B. P. Smith, Leonard Smith, Steiner, Sylvia, Tamposi, Van Loan, Ware, Geraldine Watson, Harold Watson, Wells, Emma Wheeler, Kenneth Wheeler and Eleanor Whitemore.

MERRIMACK: Allgeyer, Anderson, Bardsley, Bibbo, Bowes, Samuel Clark, Dean, Gross, Mary Holmes, Kidder, Lewis, Arthur Locke, McDonnell, Nichols, Pannell, Phelps, Rogers, Savaria, Shepard, Gerald R. Smith, Stark, Stio, Lawrence Sullivan and James Whitemore.

ROCKINGHAM: Ames, Benton, Blaisdell, William Boucher, Campbell, Case, Danderson, Day, Drake, Harry Flanders, John Flanders, Greene, Gregorio, Kane, Katsakiores, Roger King, Kozaacka, Longworth, Lovejoy, Mace, McLane, Nagel, Nevins, Newell, Pantelakos, Popov, Romoli, Rosencrantz, Schmidtchen, Schwaner, Skinner, Sloan, Sochalski, Sytek, Tavitian, Tufts, Vartanian, Vecchione, Warburton, Raymond Wood and Woodward.

STRAFFORD: Appleby, Bouchard, Robert Jones, Sackett, Gerald L. Smith, Timm and Franklin Torr.

SULLIVAN: Brodeur, D'Amante, Flint, Gray, Ingram, Paul Johnson, Palmer, Reney and Townsend, and the motion lost.

Resolution adopted.

Rep. Kaklamanos notified the Clerk that he wished to be recorded in favor of the report of the Minority, Ought to Pass.

HB 553, relative to home rule for siting low level radioactive waste facilities.

Majority: Inexpedient to Legislate.

Minority: Ought to Pass.

MAJORITY: By a 12-5 vote the Committee rejected this legislation as a proper answer to the low level waste problem. It is not likely any town would permit a low level waste facility to be sited within its boundaries. Federal law requires us to offer a solution for this

state and there are real problems with joining a multi-state compact, even if we decide to site a facility for our own use. Passage of HB 553 might well result in preemption by federal action and dictated siting without any control or choice given to the state. Another possible solution could be allowing long-term storage on-site. It would be ironic indeed if Seabrook's support of HB 553 had this result. Vote 12-5.

Rep. Elizabeth A. Greene for the Majority of Environment and Agriculture. MINORITY: This bill ought to pass as it offers those most likely affected by siting a low level radioactive waste facility a voice in the decision. Reps. Victor J. Joos, Roberta Pevear, Harold Chisholm, Jack LoFranco, John Sherburne and Ellen Cressy for the Minority of Environment and Agriculture.

Rep. Joos moved that the report of the Minority, Ought to Pass, be substituted for the report of the Majority, Inexpedient to Legislate, and spoke to his motion.

Rep. Whittemore spoke against the motion.

Rep. Keenan spoke in favor of the motion and yielded to questions.

Reps. Shepard and Greene spoke against the motion and yielded to questions.

Rep. Newman spoke in favor of the motion.

Rep. Russell moved the previous question. Sufficiently seconded. Adopted.

Rep. Newman requested a roll call.

Sufficiently seconded.

(Speaker presiding)

YEAS 162 NAYS 177

YEAS 162

BELKNAP: Bolduc, Gary Dionne, Golden and Robert Hawkins.

CARROLL: Ashnault, Dickinson, Heath, Robert Holmes, Hraba, McIntire, Murphy and Powers.

CHESHIRE: Barber, Eugene Clark, Crane, Grodin, Hickey, David Meader, Michaelides, Perry, William Riley and William Sullivan.

COOS: Coulombe, Langley, Pelletier, Theriault and Valliere.

CRAFTON: Chambers, Crory, Duggan, Easton, Girouard, Harnish, Michael King, Wayne King and Weymouth.

HILLSBOROUGH: Bass, Bergeron, Boutwell, Burkush, Cote, Crotty, William Dion, Donovan, Dupont, Duprey, Durant, Fields, Gagnon, Hendrick, Jean, Michael Jones, Kashulines, Evelyn King, Lefebvre, David Lemire, McGlynn, Migneault, Morrisette, Nelson, O'Rourke, Parmenter, Quinn, Raiche, Peter Ramsey, Reidy, Resch, Ellen-Ann Robinson, Roy, Silva, Soucy, Spirou, Stylianos, James Sullivan, Mary Sullivan, Talbot, Turgeon, Vachon, John Wallace, Roger Wallace, Robert Wheeler, Winn and Zajdel.

MERRIMACK: Laurent Boucher, Chynoweth, Daniell, Jacobson, Kinhan, McDonnell, Mercier, Parrish, Doris Riley, Louise Roberts, William Roberts, Underwood and Wallner.

ROCKINGHAM: Bangs, Belanger, Blake, Blanchard, Blanchette, Burdick, Butler, Carpenito, Case, Cotton, Cressy, Ellyson, Beverly Gage, Thomas Gage, Hollingworth, John Hynes, Joslyn, Keenan, Krasker, Leslie, LoFranco, Lovejoy, Joseph MacDonald, Robert Mason, McLane, William Moore, Newman, Pantelakos, Pevear, Rosencrantz, Simon, Stork, Vecchione and Webster.

STRAFFORD: Banks, Belhumeur, Bernard, Blouin, Chagnon, Chamberlin, Chisholm, Couture, Demers, Dingle, Albert Dionne, Donnelly, Fielding, Flynn, Grassie, Hennessey, Hussey, Joos, Kincaid, Lussier, Pelley, Arnold Peters, Schreiber and Whiting.

SULLIVAN: Brodeur, Carlson, Converse, Cutting, D'Amante, Flint, Irwin and Susan Lawrence.

NAYS 177

BELKNAP: Bastraw, Birch, Bowler, Dexter, French, Hardy, Holbrook, Lamprey, Pearson, Randall, Sanders, David Whittemore and Zeckhausen.

CARROLL: Chase, Kenneth MacDonald and Saunders.

CHESHIRE: Davis, Daniel Eaton, Gordon, Elmer Johnson, Lane, Miller, Morse, Parker, Perkins and Margaret Ramsay.

COOS: Harold Burns, Chappell, Chardon, Horton, Oleson and York.

CRAFTON: Blair, Christy, Copenhaver, Densmore, Downing, Driscoll, Hutchings, LaMott, Logan, Mann, McAvoy, Rounds, Stewart, Taffe, Walter, Ward and Whitcomb.

HILLSBOROUGH: Richard Ahern, Ahrens, Arnold, Arris, Baker, John Burns, Carragher, Charbonneau, Craig, Duffett, Joseph Eaton, Ford, Galway, Grasso, Grip, Harrington, George Hawkins, Head, Daniel Healy, Humphrey, Thomas Hynes, Keefe, Robert Kelley, Knight, Labombarde, John Lawrence, Leclerc, Levesque, Martineau, Howard Mason, Nickerson, Nute, Paradis, Marjorie Peters, Pressly, Robie, Russell, B. P. Smith, Leonard Smith, Steiner, Sylvia, Van Loan, Ware, Geraldine Watson, Harold Watson, Wells, Emma Wheeler, Kenneth Wheeler and Eleanor Whittemore.

MERRIMACK: Allgeyer, Anderson, Bardsley, Bibbo, Bowes, Cate, Samuel Clark, Dean, Degnan, Gross, Mary Holmes, Kidder, Lewis, Arthur Locke, Nichols, Pannell, Phelps, Rogers, Savaria, Shepard, Gerald R. Smith, Stark, Stio and James Whittemore.

ROCKINGHAM: Ames, Beliveau, Benton, Blaisdell, William Boucher, Campbell, Connors, Danderson, Day, Drake, Harry Flanders, John Flanders, Greene, Gregorio, Kane, Katsakiores, Glenden Kelley, Roger King, Kozacka, Longworth, Mace, Malcolm, Nagel, Nevins, Newell, Popov, Romoli, Scamman, Schmidtchen, Schwaner, Sherburne, Skinner, Sloan, Sochalski, Sytek, Tavitian, Tufts, Walker, Warburton, Raymond Wood and Woodward.

STRAFFORD: Appleby, Bouchard, Robert Jones, Francis Robinson, Sackett, Gerald L. Smith, Timm and Franklin Torr.

SULLIVAN: Gray, Ingram, Paul Johnson, Palmer, Reney and Townsend, and the motion lost.

Resolution adopted.

Rep. Kaklamanos notified the Clerk that he wished to be recorded in favor of the Minority report, Ought to Pass.

HB 45, to increase the penalty for refusal to take the chemical testing to determine alcoholic content of blood. Ought to Pass with Amendment.

After deliberating on 21 different bills dealing with the subject of Driving While Intoxicated, this Committee extracted vital sections of most of these bills and condensed them into HB 45 with amendment. This approach was used to help members of the House focus onto this very important concern of all citizens. Vote 15-0. Rep. Robert G. Holbrook for Judiciary.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to driving while intoxicated.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Director to Approve Alcohol Awareness Programs. Amend RSA 172-B by inserting after section 2 the following new section:

172-B:2-a Alcohol Awareness Programs.

I. The director shall be responsible for approving the alcohol awareness programs which persons convicted under RSA 265:82 shall attend in order to regain their driver's licenses or driving privileges, but the director shall not approve any alcohol awareness program unless such program:

(a) Is incorporated as a voluntary corporation in the state and duly registered in the office of the secretary of state;

(b) Is operated independently of the department of safety;

(c) Files a current schedule of fees with the director; and

(d) Is conducted without cost to the state.

II. The director shall adopt such rules as he deems necessary, pursuant to RSA 541-A, relative to:

(a) Any other qualifications which alcohol awareness programs shall meet in order to be approved; and

(b) Any other matter related to the proper administration of this section.

2 Habitual Offenders. Amend RSA 262:19 and RSA 262:20 as inserted by 1981, 146:1 by striking out said sections and inserting in place thereof the following:

262:19 Transcript. The director shall either certify 3 transcripts or abstracts of the conviction record, as maintained in the office of the division, of any person whose record brings him within the definition of an habitual offender as defined in RSA 259:39 to the attorney general who shall review the same and prepare an habitual offender petition and any other necessary documents, or the director shall review the same himself and prepare an habitual offender petition and any other necessary documents. Either the attorney general or the director shall forward said petitions and documents together with said transcripts or abstracts to the county attorney for the county in which such person resides, or in the event such person is a nonresident of this state, to the Merrimack county attorney. The transcript or abstract shall be admitted as evidence. Such transcript or abstract shall be prima facie evidence that the person named therein was duly convicted, by the court wherein such conviction or holding was made, of each offense shown by such transcript or abstract; and if such person shall deny any of the facts as stated therein, he shall have the burden of proving that such is untrue. For purposes of this subdivision, a plea of nolo contendere shown on such transcript or abstract shall not make the same inadmissible in evidence.

262:20 Commencement of Civil Proceeding. The county attorney, upon receiving the aforesaid petitions and documents from the attorney general or director, shall commence a civil proceeding against the person named in said petition by filing said petitions in the superior court for the county in which said person resides. If such person is a nonresident of this state, the Merrimack county attorney shall file said petition against such person in the superior court of the county of Merrimack.

3 Driving after DWI Revocation or Suspension. Amend RSA 263:64 as inserted by 1981, 146:1 by striking out said section and inserting in place thereof the following:

263:64 Driving After Revocation or Suspension.

I. Any person who drives a motor vehicle in this state after the director or the justice of any court has suspended or revoked his license to drive, or after his driving privilege has been so suspended or revoked, shall be guilty of a misdemeanor regardless of whether such person has a license on the effective date of his suspension or revocation.

II. Any person who drives a motor vehicle in this state after the director or the justice of any court has suspended or revoked his license to drive, or after his driving privilege has been suspended or revoked for a violation of RSA 265:82, shall be guilty of a misdemeanor and shall be sentenced to imprisonment for a period of not less than 7 consecutive 24 hour periods to be served within 6 months of the conviction, shall be fined not more than \$1000, and shall have his license or privilege revoked for an additional year. No portion of the minimum mandatory sentence of imprisonment shall be suspended by the court. No case brought to enforce this

paragraph shall be continued for sentencing for longer than 35 days. No person serving the minimum mandatory sentence under this paragraph shall be discharged pursuant to authority granted under RSA 651:18, released pursuant to authority granted under RSA 651:19, or in any manner, except as provided in RSA 623:1, prevented from serving the full amount of such minimum mandatory sentence under any authority granted by Title LXII or any other provision or law.

4 Revocation for Driving While Intoxicated in Another State. Amend RSA 263:65 as inserted by 1981, 146:1 by striking out said section and inserting in place thereof the following:

263:65 Revocation for Reckless Driving or Driving While Intoxicated. Upon a conviction of a violation of RSA 265:79 or 82, the court shall report to the department and shall immediately revoke the license or driving privilege of the person so convicted, or the right of a nonresident so convicted to drive within the state of New Hampshire, and said court in the case of holders of New Hampshire licenses shall return such license with its findings marked thereon, together with the court return, to the department; and the department may revoke the license of any person who shall be convicted of a similar offense by a court of any other state in a criminal proceeding, or who shall be found to have committed a similar act by a court of any other state in a civil proceeding.

5 Attendance at Alcohol Awareness Programs Required. Amend RSA 263 by inserting after section 65 the following new section:

263:65-a Attendance at Alcohol Awareness Program Required. The director shall not restore the license or driving privilege of any person whose license or privilege has been revoked or suspended pursuant to RSA 265:82 until such person has furnished proof of successful completion of an alcohol awareness program which is:

I. Approved by the director of the office of alcohol and drug abuse prevention pursuant to RSA 172-B:2-a; or

II. Approved by the court, in the case of a person who is not a resident of this state.

6 Restoration of License. Amend RSA 263:71 as inserted by 1981, 146:1 by striking out said section and inserting in place thereof the following:

263:71 License Restored Upon Expiration of Revocation Period. Whenever any court revokes or suspends a license pursuant to RSA 265:79 for a stated period of time, the department shall restore said license immediately upon the expiration of the period of revocation or suspension ordered by the court unless such person's license has been suspended or revoked for any other purpose.

7 Reckless Driving Resulting in Death. Amend RSA 265:79 as inserted by 1981, 146:1 by striking out said section and inserting in place thereof the following:

265:79 Reckless Driving; Minimum Penalty. Whoever upon any way drives a vehicle recklessly, or so that the lives or safety of the public shall be endangered, or upon a bet, wager or race, or who drives a

vehicle for the purpose of making a record, and thereby violates any of the provisions of this title or any rules adopted by the director, shall be, notwithstanding the provisions of Title LXII, fined not less than \$100 nor more than \$500 and his license shall be revoked for a period of 60 days on the first offense and from 60 days to one year on a second offense. If the death of any person results from reckless driving of a vehicle, the person convicted of such reckless driving shall be guilty of a class B felony, and the court may revoke the license or driving privilege of the convicted person for up to 7 years.

8 Blood Alcohol Content Offense; License Revocation. Amend RSA 265:82 (supp) as inserted by 1981, 146:1 as amended by striking out said section and inserting in place thereof the following:

265:82 Driving Under Influence of Drugs or Liquor; Driving with 10/100 Percent Blood Alcohol Content.

I. No person shall drive or attempt to drive a vehicle upon any way:

(a) While he is under the influence of intoxicating liquor or any controlled drug; or

(b) While there is 10/100 percent or more by weight of alcohol in his blood.

II. A person arrested for a violation of the provisions of paragraph I may be charged with either the offense specified in subparagraph (a) or the offense specified in subparagraph (b), but shall not be charged with both such offenses.

III. Any person who shall be convicted of an offense under paragraph I of this section shall, notwithstanding the provisions of Title LXII, be guilty of a violation and fined not more than \$1,000; and his license or driving privilege shall be revoked for a period not less than 90 days; and, if the person holds an out of state driver's license, said person shall not drive on any ways of the state for a period of not less than 90 days; and, in either situation, at the discretion of the court, this revocation of a driver's license or driving privilege and revocation of driving privileges of an out of state driver may be extended for a period not to exceed 2 years. Upon conviction based on a complaint which alleges that the person has had one or more prior convictions in this state or another state and said prior conviction or convictions are proven and said prior conviction or convictions were within the 7 years preceding the date of the second or subsequent offense, such person shall be guilty of a misdemeanor and shall be sentenced to imprisonment for a period of not less than 7 consecutive 24 hour periods to be served within 6 months of the conviction and fined not more than \$1,000. Further, the driving privilege or driver's license of a person who had one prior conviction within the 7 year period shall be revoked, and he shall be ineligible for a license for the next 3 calendar years; and, if the person is an out of state driver, his privilege to drive in the state shall be suspended for the next 3 calendar years. The driving privilege or driver's license of a person who had 2 or more prior convictions



within the 7 year period shall be revoked indefinitely, and he shall be ineligible for a license for at least the next 3 calendar years; and, if the person is an out of state driver, his privilege to drive in the state shall be suspended indefinitely, for at least the next 3 calendar years. No portion of the minimum mandatory sentence of imprisonment and no portion of the mandatory sentence of the period of revocation shall be suspended by the court. No case brought to enforce this section shall be continued for sentencing for longer than 35 days. No person serving the minimum mandatory sentence under this paragraph shall be discharged pursuant to authority granted under RSA 651:18, released pursuant to authority granted under RSA 651:19, or in any manner, except as provided in RSA 623:1, prevented from serving the full amount of such minimum mandatory sentence under any authority granted by Title LXII or any other provision of law.

IV. Upon a conviction under the provisions of paragraph I, the state shall present to the court a certified copy of the defendant's motor vehicle record. Failure to produce such a record shall be presumed to mean that such a record is nonexistent.

V. Notwithstanding the provisions of RSA 263:71, the director shall not restore a license or driving privileges to a person whose license or driving privileges have been revoked pursuant to RSA 265:82 until such person has furnished proof of financial responsibility as required by other provisions of the law.

VI. Notwithstanding the provisions of RSA 651:5, no court shall order an annulment of any record of conviction of an offense under paragraph I until 7 years after the date of conviction.

VII. Notwithstanding any other provision of law to the contrary, in any case in which a person is arrested for and charged with an offense under paragraph I and that charge is reduced from a second or subsequent offense to a first offense, or in which the original charge is reduced to or in any manner substituted with another charge or a nolle prosequi entered in exchange for an agreement to plead guilty or nolo contendere to another charge, the prosecutor shall submit to the attorney general a written report describing such agreement. All such written reports shall be submitted to the attorney general on a monthly basis. The report shall contain such information as the attorney general shall prescribe; provided, however, that he shall not be subject to the provisions of RSA 541-A in prescribing such information. The report required by this paragraph shall be a public record and shall be available for public inspection as provided in RSA 91-A:4.

VIII. Notwithstanding any other provision of law to the contrary, if a person is arrested for driving or attempting to drive a motor vehicle upon any way while he is under the influence of intoxicating liquor or drugs or while there is 10/100 percent or more by weight of alcohol in his blood, no prosecutor shall enter into any agreement with such person or such person's

attorney if such agreement would result in a charge that removed the case from consideration under any provision of RSA 259-RSA 266. The provisions of this paragraph, however, shall not prevent the bringing of any charge under RSA 630:2 or RSA 630:3.

9 Implied Consent. Amend RSA 265:84 as inserted by 1981, 146:1 as amended by striking out said section and inserting in place thereof the following:

265:84 Implied Consent of Driver of Motor Vehicle to Submit to Chemical Testing to Determine Alcoholic Content of Blood. Any person who drives a vehicle upon the ways of this state shall be deemed to have given consent to a chemical or infrared molecular absorption test or tests of his blood or breath or both, for the purpose of determining the alcoholic or controlled drug content of his blood if arrested for any offense arising out of acts alleged to have been committed while the person was driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or controlled drugs or while there was 10/100 percent or more by weight of alcohol in his blood. The test or tests shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a vehicle upon the ways of this state while under the influence of intoxicating liquor or controlled drugs or while there was 10/100 percent or more by weight of alcohol in his blood. A copy of the report of any such test shall be furnished by the law enforcement agency to the person tested within 48 hours of receipt of the report by the agency by certified mail directed to the address shown on such person's license or other identification furnished by the person. Results of a test of the breath shall be furnished immediately in writing to the person tested by the law enforcement officer conducting the test.

10 Testing for Blood Alcohol Content. Amend RSA 265:85 as inserted by 1981, 146:1 by striking out said section and inserting in place thereof the following:

265:85 Administration of Blood Alcohol Content Tests.

I. Only a duly licensed physician or qualified medical laboratory technician acting at the request of a law enforcement officer may withdraw blood for the purpose of a test required by RSA 265:84. Such physician or qualified medical laboratory technician shall not be liable for damages or otherwise to the person from whom blood is withdrawn for any act performed in connection with such withdrawal if the physician or qualified medical laboratory technician acts with ordinary care.

II. All such blood tests made under the direction of a law enforcement officer shall be conducted in the laboratory of the division of public health services.

III. Tests of the arrested person's breath, to be considered valid under the provisions of this chapter, shall have been performed by a person certified for this purpose by the director of the division of public health services according



to methods approved by the director of the division of public health services.

IV. No tests authorized by RSA 265:84 shall be considered as evidence in any proceeding before any administrative officer or court unless such test is performed in accordance with methods prescribed by the director of the division of public health services.

11 Additional Tests. Amend RSA 265:86 as inserted by 1981, 146:1 by striking out said section and inserting in place thereof the following:

265:86 Additional Tests. Any person to whom RSA 265:84 is applicable shall have the right at his own expense to have a similar test or tests made by any person of his own choosing and shall be so informed by the law enforcement officer at the same time as the person is requested to permit a test under the provisions of RSA 265:84. The failure or inability of an arrested person to obtain an additional test shall not preclude the admission of the test or tests taken at the direction of a law enforcement officer. Nothing herein shall require the release from custody of the arrested person for the purpose of having such additional test made. For the purpose of this section, the sample of blood taken pursuant to RSA 265:84 shall be of sufficient quantity to allow 2 tests; and the testing laboratory shall retain for a period of 30 days subsequent to the test conducted pursuant to RSA 265:84 a quantity of said sample sufficient for another test, which quantity shall be made available to the respondent or his counsel immediately upon request.

12 Other Evidence. Amend RSA 265:88 as inserted by 1981, 146:1 by striking out said section and inserting in place thereof the following:

265:88 Effect of Evidence of Blood Alcohol Content Test. The provisions of this subdivision do not limit the introduction of any other competent evidence bearing on the question of whether a person charged with the violation of RSA 265:82, I(a) was under the influence of intoxicating liquor.

13 Admissibility of Evidence. Amend RSA 265 by inserting after section 88 the following new section:

265:88-a Evidence of Refusal to Take Blood Alcohol Content Test. If a person refuses to submit to a test as provided in RSA 265:84, such refusal may be admissible into evidence in a civil or criminal action or proceeding arising out of an act alleged to have been committed by that person while driving or attempting to drive a motor vehicle while under the influence of intoxicating liquor or any controlled drug.

14 Blood Alcohol Content. Amend RSA 265:89 as inserted by 1981, 146:1 by striking out said section and inserting in place thereof the following:

265:89 Evidence.

I. Upon complaint, information, indictment or trial of any person charged with the violation of RSA 265:82, I(a), the court may admit evidence of the amount of alcohol in the defendant's blood at the time alleged, as shown by a test of his breath or blood as provided in RSA 265:84.

Evidence that there was, at the time alleged, 5/100 percent, or less, by weight of alcohol in his blood is prima facie evidence that the defendant was not under the influence of intoxicating liquor. Evidence that there was, at the time alleged, more than 5/100 percent and less than 10/100 percent by weight of alcohol in his blood is relevant evidence but is not to be given prima facie effect in indicating whether or not the defendant was under the influence of intoxicating liquor; but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant. Evidence that there was, at the time alleged, 10/100 percent or more by weight of alcohol in his blood is prima facie evidence that the defendant was under the influence of intoxicating liquor. The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether or not the defendant was under the influence of intoxicating liquor.

II. Upon complaint, information, indictment or trial of any person charged with the violation of RSA 265:82, I(b), the court shall admit evidence of the amount of alcohol in the defendant's blood at the time alleged, as shown by a test of his breath or blood as provided in RSA 265:84 if there has been compliance with the provisions of RSA 265:85-87.

15 Repeal. RSA 265:89-a, relative to double damages in civil cases against intoxicated drivers, is hereby repealed.

16 Refusal. Amend RSA 265:92 as inserted by 1981, 146:1, as amended by striking out said section and inserting in place thereof the following:

265:92 Refusal of Consent.

I. If a person under arrest for any violation or misdemeanor under RSA 265 refuses upon the request of a law enforcement officer to submit to a test designated by the law enforcement officer as provided in RSA 265:84, none shall be given, but:

(a) If this is the first refusal with no prior driving while intoxicated offenses:

(1) The director shall revoke his license to drive or nonresident driving privilege for a period of 90 days; or

(2) If the person is a resident without a license or permit to drive a motor vehicle in this state, the director shall deny to the person the privilege to drive and the issuance of a license for a period of 90 days after the date of the alleged violation.

(b) If the person has a prior driving while intoxicated conviction or more than one refusal of consent under this section:

(1) The director shall revoke his license to drive or nonresident driving privilege for a period of 1 year; or

(2) If the person is a resident without a license or permit to drive a motor vehicle in this state, the director shall deny to the person the privilege to drive and the issuance of a

license for a period of 1 year after the date of the alleged violation.

II. The 90 day or 1 year revocation period or denial of issuance period imposed pursuant to this section shall not run concurrently with any other penalty imposed under the provisions of this title. Any such revocation or denial of a license or privilege to drive shall be imposed in addition to any other penalty provided by law, subject to review as hereinafter provided, and shall be imposed only upon the receipt of a sworn report of the law enforcement officer containing the following:

(a) That he had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a vehicle upon the ways of this state as defined in RSA 259:125, II, while under the influence of intoxicating liquor or controlled drugs or while there was 10/100 percent or more by weight of alcohol in his blood;

(b) The facts upon which the reasonable grounds to believe such are based;

(c) That the person had been arrested;

(d) That the person has refused to submit to the test upon the request of the law enforcement officer;

(e) That he informed the arrested person of his right to have a similar test or tests conducted by a person of his own choosing; and

(f) That he informed the arrested person of the fact that refusal to permit the test would result in revocation of his license or driving privilege.

17 Purpose. The intent of section 18 of this act is to eliminate the arrest of persons who may appear to a law enforcement officer, for medical or other justifiable reasons, to be intoxicated but who, as a result of the pre-arrest test for alcohol authorized by this act, are found to have only minimal alcohol in their blood or no alcohol whatsoever. It is intended that the pre-arrest test be administered only on the spot and only when the officer, because of acts committed in his presence, has probable cause to believe that the operator has alcohol in his body. The person whom the officer suspects of having alcohol in his body may refuse to take the test and will not be penalized for this refusal. Evidence of the refusal may not be used in any subsequent proceeding. The results of the test are not under any circumstances to be used to establish probable cause for an arrest, nor are they to be used by the prosecution as evidence in any subsequent proceeding. The pre-arrest test authorized by this act is intended as a preliminary screening test to prevent the arrest of persons who are not violating the law which prohibits a person from driving while under the influence of intoxicating liquor or any controlled drug. Use of the pre-arrest test is not mandatory but rather optional and discretionary.

18 Pre-arrest Breath Test to Determine Alcoholic Content of Blood. Amend RSA 265 by inserting after section 92 the following new section:

#### 265:92-a Preliminary Breath Test.

I. Any police officer, who has been certified by the police standards and training council according to standards for such certification contained in rules adopted by said council pursuant to RSA 541-A, having reasonable grounds to believe that a person has been driving or operating a vehicle on a way while under the influence of intoxicating liquor or controlled drug or while there was 10/100 percent or more by weight of alcohol in his blood may, without making an arrest, request that such person submit to a preliminary breath test to be administered by the officer. The results of this test shall not be admissible in evidence by the prosecution, and failure to submit to the test shall not constitute a violation of this chapter. Nothing contained in this section shall be construed to prevent or require a subsequent test pursuant to RSA 265:84. The police officer requesting the test shall advise orally and in writing the person to be tested that his failure to take the test or his taking of the test shall not be construed to prevent or require a subsequent test pursuant to RSA 265:84. The results of the test shall be furnished immediately in writing to the person tested by the police officer administering the test.

II. No device may be used to give a chemical test under the provisions of this section unless it has been approved as to type and make by the division of public health services of the department of health and welfare.

#### 19 Effective Date.

I. Sections 1 and 5 of this act shall take effect on January 1, 1984.

II. The remainder of this act shall take effect 60 days after its passage.

Amendment adopted.

Rep. Daniel Eaton offered an amendment.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to driving while intoxicated.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Director to Approve Alcohol Awareness Programs. Amend RSA 172-B by inserting after section 2 the following new section:  
172-B:2-a Alcohol Awareness Programs.

I. The director shall be responsible for approving the alcohol awareness programs which persons convicted under RSA 265:82 shall attend in order to regain their driver's licenses or driving privileges, but the director shall not approve any alcohol awareness program unless such program:

(a) Is incorporated as a voluntary corporation in the state and duly registered in the office of the secretary of state;

(b) Is operated independently of the department of safety;

(c) Files a current schedule of fees with the director; and

(d) Is conducted without cost to the state.

II. The director shall adopt such rules as he deems necessary, pursuant to RSA 541-A, relative to:

(a) Any other qualifications which alcohol awareness programs shall meet in order to be approved; and

(b) Any other matter related to the proper administration of this section.

2 Habitual Offenders. Amend RSA 262:19 and RSA 262:20 as inserted by 1981, 146:1 by striking out said sections and inserting in place thereof the following:

262:19 Transcript. The director shall either certify 3 transcripts or abstracts of the conviction record, as maintained in the office of the division, of any person whose record brings him within the definition of an habitual offender as defined in RSA 259:39 to the attorney general who shall review the same and prepare an habitual offender petition and any other necessary documents, or the director shall review the same himself and prepare an habitual offender petition and any other necessary documents. Either the attorney general or the director shall forward said petitions and documents together with said transcripts or abstracts to the county attorney for the county in which such person resides, or in the event such person is a nonresident of this state, to the Merrimack county attorney. The transcript or abstract shall be admitted as evidence. Such transcript or abstract shall be prima facie evidence that the person named therein was duly convicted, by the court wherein such conviction or holding was made, of each offense shown by such transcript or abstract; and if such person shall deny any of the facts as stated therein, he shall have the burden of proving that such is untrue. For purposes of this subdivision, a plea of nolo contendere shown on such transcript or abstract shall not make the same inadmissible in evidence.

262:20 Commencement of Civil Proceeding. The county attorney, upon receiving the aforesaid petitions and documents from the attorney general or director, shall commence a civil proceeding against the person named in said petition by filing said petitions in the superior court for the county in which said person resides. If such person is a nonresident of this state, the Merrimack county attorney shall file said petition against such person in the superior court of the county of Merrimack.

3 Driving after DWI Revocation or Suspension. Amend RSA 263:64 as inserted by 1981, 146:1 by striking out said section and inserting in place thereof the following:

263:64 Driving After Revocation or Suspension.

I. Any person who drives a motor vehicle in this state after the director or the justice of any court has suspended or revoked his license to drive, or after his driving privilege has been so suspended or revoked, shall be guilty of a misdemeanor

regardless of whether such person has a license on the effective date of his suspension or revocation.

II. Any person who drives a motor vehicle in this state after the director or the justice of any court has suspended or revoked his license to drive, or after his driving privilege has been suspended or revoked for a violation of RSA 265:82, shall be guilty of a misdemeanor and shall be sentenced to imprisonment for a period of not less than 7 consecutive 24 hour periods to be served within 6 months of the conviction, shall be fined not more than \$1000, and shall have his license or privilege revoked for an additional year. No portion of the minimum mandatory sentence of imprisonment shall be suspended by the court. No case brought to enforce this paragraph shall be continued for sentencing for longer than 35 days. No person serving the minimum mandatory sentence under this paragraph shall be discharged pursuant to authority granted under RSA 651:18, released pursuant to authority granted under RSA 651:19, or in any manner, except as provided in RSA 623:1, prevented from serving the full amount of such minimum mandatory sentence under any authority granted by Title LXII or any other provision or law.

4 Revocation for Driving While Intoxicated in Another State. Amend RSA 263:65 as inserted by 1981, 146:1 by striking out said section and inserting in place thereof the following:

263:65 Revocation for Reckless Driving or Driving While Intoxicated. Upon a conviction of a violation of RSA 265:79 or 82, the court shall report to the department and shall immediately revoke the license or driving privilege of the person so convicted, or the right of a nonresident so convicted to drive within the state of New Hampshire, and said court in the case of holders of New Hampshire licenses shall return such license with its findings marked thereon, together with the court return, to the department; and the department may revoke the license of any person who shall be convicted of a similar offense by a court of any other state in a criminal proceeding, or who shall be found to have committed a similar act by a court of any other state in a civil proceeding.

5 Attendance at Alcohol Awareness Programs Required. Amend RSA 263 by inserting after section 65 the following new section:

263:65-a Attendance at Alcohol Awareness Program Required. The director shall not restore the license or driving privilege of any person whose license or privilege has been revoked or suspended pursuant to RSA 265:82 until such person has furnished proof of successful completion of an alcohol awareness program which is:

I. Approved by the director of the office of alcohol and drug abuse prevention pursuant to RSA 172-B:2-a; or

II. Approved by the court, in the case of a person who is not a resident of this state.

6 Restoration of License. Amend RSA 263:71 as inserted by 1981, 146:1 by striking out said section and inserting in place thereof the following:

263:71 License Restored Upon Expiration of Revocation Period. Whenever any court revokes or suspends a license pursuant to RSA 265:79 for a stated period of time, the department shall restore said license immediately upon the expiration of the period of revocation or suspension ordered by the court unless such person's license has been suspended or revoked for any other purpose.

7 Reckless Driving Resulting in Death. Amend RSA 265:79 as inserted by 1981, 146:1 by striking out said section and inserting in place thereof the following:

265:79 Reckless Driving; Minimum Penalty. Whoever upon any way drives a vehicle recklessly, or so that the lives or safety of the public shall be endangered, or upon a bet, wager or race, or who drives a vehicle for the purpose of making a record, and thereby violates any of the provisions of this title or any rules adopted by the director, shall be, notwithstanding the provisions of Title LXII, fined not less than \$100 nor more than \$500 and his license shall be revoked for a period of 60 days on the first offense and from 60 days to one year on a second offense. If the death of any person results from reckless driving of a vehicle, the person convicted of such reckless driving shall be guilty of a class B felony, and the court may revoke the license or driving privilege of the convicted person for up to 7 years.

8 License Revocation. Amend RSA 265:82, I (supp) as inserted by 1981, 146:1 as amended by striking out said paragraph and inserting in place thereof the following:

I. Any person who shall be convicted of driving or attempting to drive a vehicle upon any ways while he is under the influence of intoxicating liquor or any controlled drug shall, notwithstanding the provisions of Title LXII, be guilty of a violation and fined not more than \$1,000; and his license or driving privilege shall be revoked for a period not less than 90 days; and, if the person holds an out of state driver's license, said person shall not drive on any ways of the state for a period of not less than 90 days; and, in either situation, at the discretion of the court, this revocation of a driver's license or driving privilege and revocation of driving privileges of an out of state driver may be extended for a period not to exceed 2 years. Upon conviction based on a complaint which alleges that the person has had one or more prior convictions in this state or another state and said prior conviction or convictions are proven and said prior conviction or convictions were within the 7 years preceding the date of the second or subsequent offense, such person shall be guilty of a misdemeanor and shall be sentenced to imprisonment for a period of not less than 7 consecutive 24 hour periods to be served within 6 months of the conviction and fined not more than \$1,000. Further, the driving privilege or driver's license of a person who had one prior conviction within the 7 year period shall be revoked, and he shall be ineligible for a license for the next 3 calendar years; and, if the person is an out of state driver, his

privilege to drive in the state shall be suspended for the next 3 calendar years. The driving privilege or driver's license of a person who had 2 or more prior convictions within the 7 year period shall be revoked indefinitely; and he shall be ineligible for a license for at least the next 3 calendar years; and, if the person is an out of state driver, his privilege to drive in the state shall be suspended indefinitely, for at least the next 3 calendar years. No portion of the minimum mandatory sentence of imprisonment and no portion of the mandatory sentence of the period of revocation shall be suspended by the court. No case brought to enforce this section shall be continued for sentencing for longer than 35 days. No person serving the minimum mandatory sentence under this paragraph shall be discharged pursuant to authority granted under RSA 651:18, released pursuant to authority granted under RSA 651:19, or in any manner, except as provided in RSA 623:1, prevented from serving the full amount of such minimum mandatory sentence under any authority granted by Title LXII or any other provision of law.

9 Implied Consent. Amend RSA 265:84 as inserted by 1981, 146:1 as amended by striking out said section and inserting in place thereof the following:

265:84 Implied Consent of Driver of Motor Vehicle to Submit to Chemical Testing to Determine Alcoholic Content of Blood. Any person who drives a vehicle upon the ways of this state shall be deemed to have given consent to a chemical or infrared molecular absorption test or tests of his blood or breath or both, for the purpose of determining the alcoholic or controlled drug content of his blood if arrested for any offense arising out of acts alleged to have been committed while the person was driving or in actual physical control of a vehicle while under the influence of intoxicating liquor or controlled drugs. The tests shall be administered at the direction of a law enforcement officer having reasonable grounds to believe the person to have been driving or in actual physical control of a vehicle upon the ways of this state while under the influence of intoxicating liquor or controlled drugs. A copy of the report of any such test shall be furnished by the law enforcement agency to the person tested within 48 hours of receipt of the report by the agency by certified mail directed to the address shown on such person's license or other identification furnished by the person. Results of a test of the breath shall be furnished immediately in writing to the person tested by the law enforcement officer conducting the test.

10 Testing for Blood Alcohol Content. Amend RSA 265:85 as inserted by 1981, 146:1 by striking out said section and inserting in place thereof the following:

265:85 Administration of Blood Alcohol Content Tests.

I. Only a duly licensed physician or qualified medical laboratory technician acting at the request of a law enforcement officer may withdraw blood for the purpose of a test required by RSA 265:84. Such physician or qualified medical laboratory technician shall not be liable for damages



or otherwise to the person from whom blood is withdrawn for any act performed in connection with such withdrawal if the physician or qualified medical laboratory technician acts with ordinary care.

II. All such blood tests made under the direction of a law enforcement officer shall be conducted in the laboratory of the division of public health services.

III. Tests of the arrested person's breath, to be considered valid under the provisions of this chapter, shall have been performed by a person certified for this purpose by the director of the division of public health services according to methods approved by the director of the division of public health services.

IV. No tests authorized by RSA 265:84 shall be considered as evidence in any proceeding before any administrative officer or court unless such test is performed in accordance with methods prescribed by the director of the division of public health services.

11 Additional Tests. Amend RSA 265:86 as inserted by 1981, 146:1 by striking out said section and inserting in place thereof the following:

265:86 Additional Tests. Any person to whom RSA 265:84 is applicable shall have the right at his own expense to have a similar test or tests made by any person of his own choosing and shall be so informed by the law enforcement officer at the same time as the person is requested to permit a test under the provisions of RSA 265:84. The failure or inability of an arrested person to obtain an additional test shall not preclude the admission of the test or tests taken at the direction of a law enforcement officer. Nothing herein shall require the release from custody of the arrested person for the purpose of having such additional test made. For the purpose of this section, the sample of blood taken pursuant to RSA 265:84 shall be of sufficient quantity to allow 2 tests; and the testing laboratory shall retain for a period of 30 days subsequent to the test conducted pursuant to RSA 265:84 a quantity of said sample sufficient for another test, which quantity shall be made available to the respondent or his counsel immediately upon request.

12 Admissibility of Evidence. Amend RSA 265 by inserting after section 88 the following new section:

265:88-a Evidence of Refusal to Take Blood Alcohol Content Test. If a person refuses to submit to a test as provided in RSA 265:84, such refusal may be admissible into evidence in a civil or criminal action or proceeding arising out of an act alleged to have been committed by that person while driving or attempting to drive a motor vehicle while under the influence of intoxicating liquor or any controlled drug.

13 Blood Alcohol Content. Amend RSA 265:89 as inserted by 1981, 146:1 by striking out said section and inserting in place thereof the following:

265:89 Evidence. Upon complaint, information, indictment or trial of any person charged with the violation of RSA 265:82, the court may admit evidence of the amount of alcohol in the defendant's blood at the time alleged, as shown by a test of

of his breath or blood as provided in RSA 265:84. Evidence that there was, at the time alleged, 5/100 percent, or less, by weight of alcohol in his blood is prima facie evidence that the defendant was not under the influence of intoxicating liquor. Evidence that there was, at the time alleged, more than 5/100 percent and less than 10/100 percent by weight of alcohol in his blood is relevant evidence but is not to be given prima facie effect in indicating whether or not the defendant was under the influence of intoxicating liquor; but such fact may be considered with other competent evidence in determining the guilt or innocence of the defendant. Evidence that there was, at the time alleged, 10/100 percent or more by weight of alcohol in his blood is prima facie evidence that the defendant was under the influence of intoxicating liquor. The foregoing provisions of this section shall not be construed as limiting the introduction of any other competent evidence bearing upon the question of whether or not the defendant was under the influence of intoxicating liquor.

14 Repeal. RSA 265:89-a, relative to double damages in civil cases against intoxicated drivers, is hereby repealed.

15 Refusal. Amend RSA 265:92 as inserted by 1981, 146:1, as amended by striking out said section and inserting in place thereof the following:

265:92 Refusal of Consent.

I. If a person under arrest for any violation or misdemeanor under RSA 265 refuses upon the request of a law enforcement officer to submit to a test designated by the law enforcement officer as provided in RSA 265:84, none shall be given, but:

(a) If this is the first refusal with no prior driving while intoxicated offenses:

(1) The director shall revoke his license to drive or nonresident driving privilege for a period of 90 days; or

(2) If the person is a resident without a license or permit to drive a motor vehicle in this state, the director shall deny to the person the privilege to drive and the issuance of a license for a period of 90 days after the date of the alleged violation.

(b) If the person has a prior driving while intoxicated conviction or more than one refusal of consent under this section:

(1) The director shall revoke his license to drive or nonresident driving privilege for a period of 1 year; or

(2) If the person is a resident without a license or permit to drive a motor vehicle in this state, the director shall deny to the person the privilege to drive and the issuance of a license for a period of 1 year after the date of the alleged violation.

II. The 90 day or 1 year revocation period or denial of issuance period imposed pursuant to this section shall not run concurrently with any other penalty imposed under the provisions of this title. Any such revocation or denial of a license or privilege to drive shall be



imposed in addition to any other penalty provided by law, subject to review as hereinafter provided, and shall be imposed only upon the receipt of a sworn report of the law enforcement officer containing the following:

(a) That he had reasonable grounds to believe the arrested person had been driving or was in actual physical control of a vehicle upon the ways of this state as defined in RSA 259:125, II, while under the influence of intoxicating liquor or controlled drugs;

(b) The facts upon which the reasonable grounds to believe such are based;

(c) That the person had been arrested;

(d) That the person has refused to submit to the test upon the request of the law enforcement officer;

(e) That he informed the arrested person of his right to have a similar test or tests conducted by a person of his own choosing; and

(f) That he informed the arrested person of the fact that refusal to permit the test would result in revocation of his license or driving privilege.

16 Purpose. The intent of section 17 of this act is to eliminate the arrest of persons who may appear to a law enforcement officer, for medical or other justifiable reasons, to be intoxicated but who, as a result of the pre-arrest test for alcohol authorized by this act, are found to have only minimal alcohol in their blood or no alcohol whatsoever. It is intended that the pre-arrest test be administered only on the spot and only when the officer, because of acts committed in his presence, has probable cause to believe that the operator has alcohol in his body. The person whom the officer suspects of having alcohol in his body may refuse to take the test and will not be penalized for this refusal. Evidence of the refusal may not be used in any subsequent proceeding. The results of the test are not under any circumstances to be used to establish probable cause for an arrest, nor are they to be used by the prosecution as evidence in any subsequent proceeding. The pre-arrest test authorized by this act is intended as a preliminary screening test to prevent the arrest of persons who are not violating the law which prohibits a person from driving while under the influence of intoxicating liquor or any controlled drug. Use of the pre-arrest test is not mandatory but rather optional and discretionary.

17 Pre-arrest Breath Test to Determine Alcoholic Content of Blood. Amend RSA 265 by inserting after section 92 the following new section:

265:92-a Preliminary Breath Test.

I. Any police officer, who has been certified by the police standards and training council according to standards for such certification contained in rules adopted by said council pursuant to RSA 541-A, having reasonable grounds to believe that a person has been driving or operating a vehicle on a way while under the influence of intoxicating liquor or controlled drug may, without making an arrest, request that such person submit to a

preliminary breath test to be administered by the officer. The results of this test shall not be admissible in evidence by the prosecution, and failure to submit to the test shall not constitute a violation of this chapter. Nothing contained in this section shall be construed to prevent or require a subsequent test pursuant to RSA 265:84. The police officer requesting the test shall advise orally and in writing the person to be tested that his failure to take the test or his taking of the test shall not be construed to prevent or require a subsequent test pursuant to RSA 265:84. The results of the test shall be furnished immediately in writing to the person tested by the police officer administering the test.

II. No device may be used to give a chemical test under the provisions of this section unless it has been approved as to type and make by the division of public health services of the department of health and welfare.

18 Effective Date.

I. Sections 1 and 5 of this act shall take effect on January 1, 1984.

II. The remainder of this act shall take effect 60 days after its passage.

Hearing no objection the Chair advised the Clerk to dispense with the reading of the amendment.

Rep. Eaton explained the amendment.

Rep. Lane spoke against the amendment and yielded to questions.

Rep. Sytek spoke against the amendment.

A division was requested.

131 members having voted in the affirmative and 178 in the negative, the amendment lost.

Question being on the Committee report, Ought to pass as amended.

Reps. Susan Lawrence and Sloan spoke against the report.

Rep. Holbrook spoke in favor of the report and yielded to questions.

Rep. Robinson spoke in favor of the report.

Rep. Townsend moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 248 NAYS 93

YEAS 248

BELKNAP: Bastraw, Birch, French, Golden, Hardy, Robert Hawkins, Holbrook, Lamprey, Pearson, Randall, David Whittemore and Zeckhausen.

CARROLL: Ashnault, Chase, Dickinson, Heath, Hraba, Kenneth MacDonald, Murphy, Powers and Saunders.

CHESHIRE: Barber, Eugene Clark, Crane, Davis, Gordon, Grodin, Elmer Johnson, Lane, David Meader, Michaelides, Miller, Parker, Perkins, Perry, Margaret Ramsay and Scranton.

COOS: Harold Burns, Chappell, Chardon, Coulombe, George Lemire, Pelletier and Theriault.

GRAFTON: Chambers, Crory, Densmore, Downing, Duggan, Girouard, Harnish, Logan, Mann, McAvoy, Rounds, Stewart, Taffe, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Richard Ahern, Ahrens, Arnold, Arris, Bass, Bergeron, Boutwell, John Burns, Leslie Burns, Carragher, Charbonneau, Cote, Craig, William Dion, Donovan, Duffett, Duprey, Joseph Eaton, Ford, Gagnon, Galway, Grip, Harrington, Head, Daniel Healy, Humphrey, Thomas Hynes, Jean, Michael Jones, Keefe, Robert Kelley, Evelyn King, Knight, John Lawrence, Leclerc, Lefebvre, Levesque, Lyons, Howard Mason, McGlynn, Nelson, Nickerson, Nute, Paradis, Marjorie Peters, Pressly, Quinn, Raiche, Peter Ramsey, Resch, Robie, Ellen-Ann Robinson, Russell, Silva, B. P. Smith, Leonard Smith, Soucy, Steiner, Stylianos, James Sullivan, Mary Sullivan, Sylvia, Talbot, Tamposi, Turgeon, Van Loan, Geraldine Watson, Harold Watson, Wells, Emma Wheeler, Kenneth Wheeler, Eleanor Whittemore and Winn.

MERRIMACK: Anderson, Bardsley, Bibbo, Bowes, Cate, Chynoweth, Samuel Clark, Daniel, Dean, Degnan, Gross, Mary Holmes, Jacobson, Kidder, Kinhan, Arthur Locke, McDonnell, Mercier, Nichols, Pannell, Phelps, Doris Riley, Louise Roberts, Rogers, Savaria, Shepard, Stark, Stio, Underwood, Walner and James Whittemore.

ROCKINGHAM: Beliveau, Blake, Blanchette, Burdick, Campbell, Connors, Cotton, Cressy, Danderson, Drake, John Flanders, Beverly Gage, Thomas Gage, Gregorio, Hollingworth, Joslyn, Kane, Katsakiores, Glenden Kelley, Roger King, Kozacka, Krasker, Longworth, Lovejoy, Joseph MacDonald, Mace, Malcolm, McLane, William Moore, Nevins, Newell, Palumbo, Pevear, Sherburne, Simon, Skinner, Sochalski, Stork, Sytek, Tavitian, Tufts, Vartanian, Walker, Warburton, Webster, Raymond Wood and Woodward.

STRAFFORD: Appleby, Belhumeur, Bernard, Bouchard, Chagnon, Chamberlin Chisholm, Couture, Demers, Dingle, Albert Dionne, Donnelly, Flynn, Hennessey, Hussey, Robert Jones, Kincaid, Lussier, Pelley, Francis Robinson, Sackett, Schreiber, Gerald L. Smith, Franklin Torr and Whiting.

SULLIVAN: Carlson, Cutting, D'Amante, Flint, Gray, Ingram, Irwin, Paul Johnson, Palmer, Renee and Townsend.

NAYS 93

BELKNAP: Bolduc, Dexter and Gary Dionne.

CARROLL: Robert Holmes and McIntire.

CHESHIRE: Daniel Eaton, Hickey, William Riley and William Sullivan.

COOS: Guay, Horton, Langley, Oleson, Valliere and York.

GRAFTON: Blair, Copenhaver, Driscoll, Easton, Hutchings, Michael King, Wayne King and LaMott.

HILLSBOROUGH: Debora Ahern, Baker, Bolan, Burkush, Crotty, Dupont, Durant, Fields, Gelinas, Grasso, George Hawkins, Hendrick, Kaklamanos, Kashulines, Labombard, David Lemire, Martineau, Migneault, Morrissette, O'Rourke, Parmenter, Reidy, Roy, Vachon, John Wallace, Ware, Robert Wheeler and Zajdel.

MERRIMACK: Allgeyer, Laurent Boucher, Lewis, Parrish, William Roberts and Gerald R. Smith.

ROCKINGHAM: Ames, Bangs, Belanger, Blaisdell, William Boucher, Carpenito, Case, Day, Ellyson, Harry Flanders, John Hynes, Keenan, Leslie, LoFranco, Robert Mason, Nagel, Newman, Pantelakos, Popov, Romoli, Scamman, Schmidtchen, Schwaner, Sloan, Splaine and Vecchione.

STRAFFORD: Banks, Blouin, Fielding, Grassie, Joos, Arnold Peters and Timm.

SULLIVAN: Brodeur, Converse and Susan Lawrence, and the Committee report was adopted.

Ordered to third reading.

HB 588-FN, allowing employees to receive privately financed layoff benefits without a reduction in their unemployment compensation benefits. Inexpedient to Legislate.

The subject of privately financed layoff benefits has been before the Committee in past legislative sessions and failed to gain passage. The sponsor said an identical bill had been heard in the Senate. It was proven that decisions of the Attorney General relative to privately financed layoff benefits by a company were wages. Vote 9-6. Rep. Robert S. Hawkins for Labor, Human Resources and Rehabilitation.

Rep. Baker moved that the words, Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate, and spoke to his motion.

Rep. Warburton spoke against the motion and yielded to questions.

Rep. Skinner spoke against the motion.

Rep. Vartanian moved the previous question. Sufficiently seconded. Adopted. Motion lost.

Resolution adopted.

HB 618-FN, requiring binding arbitration in resolving labor disputes involving police and fire employees of certain cities. Ought to Pass.

This is a home rule bill affecting only Manchester. For the bill to become operative, the voters in Manchester will have to approve binding arbitration for the police and firefighters in that city in the case of an impasse. Vote 16-4. Rep. Wilfred Burkush for Labor, Human Resources and Rehabilitation.

Ordered to third reading.

HB 696-FN, amending the workmen's compensation laws to update language and rectify other matters. Ought to Pass.

HB 696 is the product of 3 1/2 years of effort by the Advisory Council on Workmen's Compensation to amend and update the language in RSA 281. The process in which this agreed bill developed included input from labor, management, insurance companies and the Legislature. It shows the need to balance costs against the benefit levels and will greatly strengthen the New Hampshire Workmen's Compensation Law. Vote 11-3. Rep. Calvin Warburton for Labor, Human Resources and Rehabilitation.

Ordered to third reading.

HB 779-FN, relative to binding arbitration for public employees.  
Majority: Ought to Pass with Amendment.  
Minority: Inexpedient to Legislate.

MAJORITY: This measure deals with a procedure to have a final resolution of disputes for the public employees. The amendment addresses the method of arbitration to be used and the time frame for accomplishing the same. Vote 11-9. Rep. Merino Romoli for the Majority of Labor, Human Resources and Rehabilitation.

MINORITY: No matter what the specific terms of this bill, it is still binding arbitration, where an outside person determines how much the taxpayers will pay employees, in wages and benefits and takes the authority and responsibility of appropriating money away from the voters in towns and their elected representatives in cities. New Hampshire does not need a Binding Arbitration Law, at this time. Binding arbitration runs counter to a growing public despair over citizens' ability to regain responsiveness, accountability and control over costs of operation of their government. (Reps. John E. Webster, Avis B. Nichols, Jean H. Duffett, Calvin Warburton, William W. Moore, Philip H. Weymouth, J. Arthur Tufts, Rita C. McAvoy, Robert S. Hawkins for the Minority of Labor, Human Resources and Rehabilitation.)

Rep. Skinner moved that the report of the Minority, Inexpedient to Legislate, be substituted for the report of the Majority, Ought to Pass with Amendment, and spoke to her motion.

Reps. Hickey and Reidy spoke against the motion.

Rep. Skinner yielded to questions.

Rep. Robert Hawkins spoke in favor of the motion and yielded to questions.

Rep. McGlynn spoke against the motion and yielded to questions.

Reps. Duggan and Nichols spoke in favor of the motion.

Rep. Romoli spoke against the motion.

Rep. Russell moved the previous question. Sufficiently seconded. Adopted.

On a voice vote the Speaker was in doubt and requested a division.

170 members voted in the affirmative and 88 in the negative.

Lacking the constitutional requirement of two-thirds of the membership, HB 779 is subject to further action.

Rep. Cote notified the Clerk that he inadvertently voted yea and meant to vote nay.

HB 348, prohibiting municipalities from subcontracting for police and fire protection. Ought to Pass with Amendment.

This bill strengthens home rule by enabling a referendum in the cities relative to vital fire and police services. Vote 10-7. Rep. Arnold W. Peters for Municipal and County Government.

Rep. Mann moved that the words, Refer for Interim Study, be substituted for the Committee report, Ought to Pass with Amendment, and spoke to his motion.

Reps. Demers and Arnold Peters spoke against the motion.

Rep. Hennessey spoke in favor of the motion and yielded to questions.

Rep. Lamprey spoke in favor of the motion.

Motion adopted.

Referred for Interim Study.

HB 266-FN, requiring sellers of liquor to file an annual report. Majority: Inexpedient to Legislate. Minority: Refer for Interim Study.

MAJORITY: The Committee voted 14-7 to recommend that this bill be inexpedient to legislate. It studied more than three amendments to the bill, but none of them solved the confusion as to just what expenses would have to be reported, and who would have to report. The majority of the Committee felt that the information required in the bill was already available if necessary and that reporting of a salesperson's salary or expenses would not solve the problems which this bill was meant to address. As written the bill would impose requirements on one segment of people doing business with the State that is not required of others. Rep. John W. Hynes for the Majority of Regulated Revenues.

MINORITY: The minority of the Committee feels this bill has many good points, but is in need of study to clarify and further research the intent and result of this legislation. (Reps. James D. Phelps, Robert P. Mason, Marian R. Harrington, Robert N. Kelley, and Raymond F. Hennessey for the Minority of Regulated Revenues.)

Resolution adopted.

HB 281-FN, increasing the beer tax. Ought to Pass with Amendment.

This bill, if no subsequent bottle legislation is adopted, will enhance our beer tax revenue by roughly \$3.8 million without losing our advantage in sales over surrounding states. The amendment eliminates limit of six beer licenses to one holder. Vote 11-6. Rep. Roger C. Heath for Ways and Means.

## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

relative to the beer tax and to off-sale permits.

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Off-Sale Permits. Amend RSA 181:22, II (supp) as amended by striking out said section and inserting in place thereof the following:

II. No holder of an on-sale or off-sale permit shall have in his employ, in any capacity, any person who is the holder of any permit provided by this chapter, except that the holder of an on-sale permit may employ the holder of an off-sale permit in an entertainment capacity. No holder of a manufacturer's permit, wholesaler's permit, solicitor's permit or a certificate of approval shall, in any wise, contribute or pay any money or anything in lieu thereof to any on-sale or off-sale permittee, his agent, his employees, or to any group, association or organization thereof. Nothing in this section shall prohibit any permittee from being a member of a club holding a permit or license under this chapter, nor prohibit the sale or purchase, for resale, of merchandise or beverages for the conduct of the business of any on-sale or off-sale permittee.

4 Effective Date. This act shall take effect 60 days after its passage.

Reps. Chase, D'Amante and Gerald R. Smith spoke against the amendment.

Reps. Parrish, Heath and Spirou spoke in favor of the amendment.

Rep. William Roberts spoke against the amendment and yielded to questions.

Rep. Scamman spoke in favor of the amendment and yielded to questions.

Rep. Townsend moved the previous question. Sufficiently seconded. Adopted.

Question being on the Committee amendment, a roll call was requested. Sufficiently seconded.

(Speaker presiding)  
YEAS 127 NAYS 202  
YEAS 127

BELKNAP: Birch, Bowler, Dexter, Gary Dionne, French, Hardy, Holbrook, Lamprey and Zekhausen.

CARROLL: Heath and Saunders.

CHESHIRE: Eugene Clark, Hickey, Lane, David Meader, Parker, Perry, Margaret Ramsay and William Riley.

COOS: Harold Burns, Chardon, Coulombe, Guay and Pelletier.

GRAFTON: Chambers, Christy, Copenhaver, Crory, Densmore, Downing, Girouard,

Hutchings, Michael King, Rounds, Taffe and Walter.

HILLSBOROUGH: Ahrens, Arnold, Arris, Bass, John Burns, Carragher, Cote, Craig, Donovan, Duffett, Fields, Grip, Humphrey, Michael Jones, Evelyn King, Labombarde, John Lawrence, Lyons, Marjorie Peters, Quinn, Reidy, Ellen-Ann Robinson, Roy, Russell, Silva, B. P. Smith, Spirou, Steiner, James Sullivan, Sylvia, Tamposi, Van Loan, Ware, Geraldine Watson, Emma Wheeler and Robert Wheeler.

MERRIMACK: Bardsley, Chynoweth, Samuel Clark, Degnan, Kinhan, Arthur Locke, Nichols, Parrish and Wallner.

ROCKINGHAM: Belanger, Blanchard, Blanchette, William Boucher, Campbell, Carpenito, Danderson, Beverly Gage, John Hynes, Kane, Glenden Kelley, Roger King, Kozacka, Krasker, Leslie, Mace, McLane, Nagel, Newell, Palumbo, Romoli, Scamman, Schmidtchen, Schwaner, Skinner, Sloan, Sytek, Vartanian, Walker, Webster, Raymond Wood and Woodward.

STRAFFORD: Appleby, Chagnon, Couture, Demers, Dingle, Robert Jones, Schreiber and Franklin Torr.

SULLIVAN: Converse, Cutting, Flint, Gray, Ingram and Townsend.

## NAYS 202

BELKNAP: Bastraw, Bolduc, Golden, Robert Hawkins, Pearson, Randall and David Whittemore.

CARROLL: Ashnault, Chase, Dickinson, Robert Holmes, McIntire, Murphy and Powers.

CHESHIRE: Barber, Crane, Davis, Daniel Eaton, Gordon, Grodin, Michaelides, Miller, Morse, Scranton and William Sullivan.

COOS: Chappell, Horton, Langley, George Lemire, Oleson, Theriault, Valliere and York.

GRAFTON: Blair, Driscoll, Duggan, Easton, Harnish, Wayne King, LaMott, Logan, Mann, McAvoy, Stewart, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Debora Ahern, Richard Ahern, Baker, Bergeron, Boutwell, Burkush, Leslie Burns, Charbonneau, William Dion, Duprey, Durant, Clyde Eaton, Joseph Eaton, Ford, Gagnon, Galway, Gelinas, Grasso, Harrington, George Hawkins, Head, Daniel Healy, Hendrick, Thomas Hynes, Jean, Kaklamanos, Kashulines, Keefe, Robert Kelley, Knight, Leclerc, Lefebvre, David Lemire, Levesque, Martineau, Howard Mason, McGlynn, Migneault, Morrisette, Nelson, Nickerson, Nute, O'Rourke, Paradise, Parmenter, Pressly, Raiche, Peter Ramsey, Resch, Robie, Leonard Smith, Soucy, Stylianos, Mary Sullivan, Talbot, Turgeon, Vachon, John Wallace, Roger Wallace, Harold Watson, Kenneth Wheeler, Eleanor Whittemore, Winn and Zajdel.

MERRIMACK: Allgeyer, Anderson, Bibbo, Laurent Boucher, Bowes, Daniell, Dean, Gross, Mary Holmes, Jacobson, Kidder,



Mercier, Pannell, Phelps, Doris Riley, Louise Roberts, William Roberts, Rogers, Savaria, Shepard, Gerald R. Smith, Stark, Stio and James Whittemore.

ROCKINGHAM: Ames, Bangs, Beliveau, Benton, Blaisdell, Blake, Burdick, Case, Connors, Cotton, Cressy, Drake, Ellyson, Harry Flanders, Thomas Gage, Greene, Gregorio, Hollingworth, Joslyn, Katsakiores, Keenan, LoFranco, Longworth, Lovejoy, Malcolm, Robert Mason, William Moore, Nevins, Newman, Pantelakos, Pevear, Popov, Sherburne, Simon, Sochalski, Stork, Tavitian, Tufts and Warburton.

STRAFFORD: Belhumeur, Bernard, Blouin, Bouchard, Chisholm, Albert Dionne, Donnelly, Fielding, Flynn, Grassie, Hennessey, Hussey, Joos, Kincaid, Lussier, Pelley, Francis Robinson, Sackett, Gerald L. Smith, Timm and Whiting.

SULLIVAN: Brodeur, Carlson, D'Amante, Irwin, Paul Johnson, Palmer and Reney, and the amendment lost.

Ordered to third reading.

Rep. Barber notified the Clerk that he wished to be recorded against HB 281.

#### RECONSIDERATION

Rep. Mann moved that the House reconsider its action whereby it passed HB 816, relative to the election of representatives to the general court and the election of delegates to state party conventions from the city of Keene.

Rep. Barber spoke against reconsideration.

Reps. Lane and Sytek spoke in favor of reconsideration.

Rep. Michaelides spoke against reconsideration and yielded to questions.

Rep. Rounds moved the previous question. Sufficiently seconded. Adopted.

Rep. Sytek requested a roll call. Sufficiently seconded.

(Speaker presiding)  
YEAS 156 NAYS 160  
YEAS 156

BELKNAP: Bastraw, Dexter, French, Golden, Hardy, Robert Hawkins, Holbrook, Lamprey, Pearson, Randall, David Whittemore and Zekhausen.

CARROLL: Chase, Dickinson, Heath, Robert Holmes, Hraba, Kenneth MacDonald, McIntire and Powers.

CHESHIRE: Davis, Gordon, Grodin, Elmer Johnson, Lane, Morse, Parker and Perry.

COOS: Harold Burns, Chappell, Chardon, Horton and Valliere.

GRAFTON: Christy, Downing, Duggan, Easton, Hutchings, LaMott, Logan, Mann, McAvoy, Rounds, Taffe, Walter, Ward and Weymouth.

HILLSBOROUGH: Arnold, Arris, Boutwell, John Burns, Carragher, Craig, Duffett, Duprey, Joseph Eaton, Ford, Galway, Grasso, Grip,

Harrington, Head, Thomas Hynes, Jean, Kashulines, Keefe, Robert Kelley, Knight, Labombarde, John Lawrence, Martineau, McGlynn, Morrissette, Nute, Paradis, Marjorie Peters, Ellen-Ann Robinson, Russell, Silva, Steiner, Sylvia, Talbot, Tamposi, Van Loan, Ware, Geraldine Watson and Harold Watson.

MERRIMACK: Allgeyer, Anderson, Bibbo, Laurent Boucher, Bowes, Daniell, Dean, Degnan, Gross, Mary Holmes, Jacobson, Kidder, Mercier, Nichols, Phelps, Doris Riley, William Roberts, Rogers, Shepard, Stark and James Whittemore.

ROCKINGHAM: Ames, Benton, William Boucher, Burdick, Danderson, Beverly Gage, Thomas Gage, Gregorio, Joslyn, Kane, Katsakiores, Roger King, Longworth, Mace, Robert Mason, Nevins, Newell, Palumbo, Popov, Scamman, Schmidtchen, Schwaner, Skinner, Sloan, Sytek, Tavitian, Tufts, Vartanian, Walker, Webster, Raymond Wood and Woodward.

STRAFFORD: Dingle, Robert Jones, Kincaid, Pelley, Francis Robinson, Sackett, Timm, Franklin Torr and Whiting.

SULLIVAN: Brodeur, Cutting, Flint, Gray, Ingram, Reney and Townsend.

NAYS 160

BELKNAP: Birch, Bolduc, Bowler and Gary Dionne.

CARROLL: Saunders.

CHESHIRE: Barber, Eugene Clark, Crane, Daniel Eaton, Hickey, David Meader, Michaelides, Miller, Margaret Ramsay, William Riley, Scranton and William Sullivan.

COOS: Coulombe, Guay, Langley, George Lemire, Oleson, Pelletier, Theriault and York.

GRAFTON: Blair, Chambers, Copenhaver, Crory, Densmore, Driscoll, Girouard, Harnish, Michael King, Wayne King, Stewart and Whitcomb.

HILLSBOROUGH: Debora Ahern, Richard Ahern, Ahrens, Baker, Bass, Bergeron, Leslie Burns, Charbonneau, Cote, William Dion, Durant, Clyde Eaton, Fields, Gagnon, Gelinas, George Hawkins, Daniel Healy, Hendrick, Humphrey, Michael Jones, Kaklamanos, Evelyn King, Leclerc, Lefebvre, David Lemire, Levesque, Lyons, Howard Mason, Migneault, Nelson, Nickerson, O'Rourke, Parmenter, Pressly, Quinn, Raiche, Peter Ramsey, Reidy, Robie, B. P. Smith, Soucy, Spirou, Stylianos, James Sullivan, Mary Sullivan, Turgeon, Vachon, John Wallace, Roger Wallace, Kenneth Wheeler, Robert Wheeler, Eleanor Whittemore, Winn and Zajdel.

MERRIMACK: Bardsley, Chynoweth, Samuel Clark, Kinhan, Arthur Locke, Pannell, Parrish, Louise Roberts, Savaria, Gerald R. Smith, Stio and Wallner.

ROCKINGHAM: Bangs, Belanger, Blaisdell, Blake, Blanchard, Blanchette, Case Connors,



Cotton, Cressy, Drake, Ellyson, Harry Flanders, Greene, Hollingworth, John Hynes, Keenan, Glenden Kelley, Kozacka, Krasker, Leslie, LoFranco, Lovejoy, Malcolm, McLane, William Moore, Newman, Pantelakos, Peवार, Sherburne, Simon, Sochalski, Stork and Warburton.

STRAFFORD: Banks, Belhumeur, Bernard, Blouin, Bouchard, Chagnon, Couture, Demers, Donnelly, Flynn, Grassie, Hennessey, Hussey, Joos, Lussier, Schreiber and Gerald L. Smith.

SULLIVAN: Carlson, Converse, D'Amante, Irwin, Paul Johnson and Palmer, and reconsideration lost.

HB 521, regulating rental referral agencies, health clubs, and buying clubs. Ought to Pass with Amendment.

HB 521 as amended provides regulation by the Attorney General's Office for rental referral agencies, health clubs, and buying clubs. Each of these services is regulated in a separate chapter. Vote 13-0. Rep. Barbara B. Pressly for Commerce, Housing and Consumer Affairs.

#### Amendment

Amend RSA 358-H:3, I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. No rental referral agency shall charge or attempt to collect any fee or other consideration from any prospective tenant except pursuant to a written contract which shall be delivered to the prospective tenant at the time the contract is signed. Every contract must constitute the entire agreement between the parties, shall be dated, and shall be signed by the prospective tenant.

Amend RSA 358-H:3, II(a) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(a) The specifications of rental property sought by the prospective tenant, including maximum rent, desired lease period, geographic area, number of bedrooms required, number of occupants to be housed, and number and type of pets.

Amend RSA 358-H:5 as inserted by section 1 of the bill by striking out same and renumbering the original sections 358-H:6; 358-H:7 and 358-H:8 to read as follows: 358-H:5, 358-H:6 and 358-H:7, respectively.

Amend RSA 358-I:1, IV(b) and (c) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(b) The state, or any of its political subdivisions;

(c) Any nonprofit religious, ethnic, community, or service organization; or

(d) Any establishment which does not have as one of its primary purposes or businesses the provision of health club services or facilities.

Amend RSA 358-I:2, I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. Any person, corporation, partnership, association, or other entity operating or intending to open or operate a health club within this state shall file a registration statement with the attorney general's consumer protection and antitrust division. Such registration statement shall be updated semiannually, and shall contain the name and address of the health club; the names and addresses of the officers, directors, and stockholders of the health club and its parent corporation, if such an entity exists; the type of available facilities; a written list of each piece of equipment and each service which the club has available for use by buyers; approximate size of the health club measured in square feet; whether or not a shower area is provided; the names and addresses of employees who provide guidance, instruction, or training to members, and their respective qualifications for employment in the health club field; type of membership plans to be offered and their cost; and a full and complete disclosure of any completed or pending litigation initiated against the health club and any of its officers or directors within the last 3 years.

Amend RSA 358-I:2, II as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

II. Each health club registering pursuant to this chapter shall maintain in the files of the health club a copy of its registration statement filed pursuant to this section. This registration statement shall be made available for inspection by current health club members or prospective purchasers of health club memberships; provided, however, that the addresses of employees need not be disclosed, nor shall the division publicly disclose such addresses except in connection with the prosecution of legal proceedings instituted under this chapter or other provisions of the RSA.

Amend 358-I:3, I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. A fully completed copy of each contract shall be delivered to the buyer at the time the contract is signed. Every contract must constitute the entire agreement between the seller and the buyer, shall be in writing, shall be signed by the buyer, and shall designate the date on which the buyer signed the contract.

Amend RSA 358-I:3, IV as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

IV. Each contract shall contain in at least 10 point boldface type a statement in substantially the following form:  
YOU MAY CANCEL THIS TRANSACTION IN WRITING  
ANY TIME PRIOR TO MIDNIGHT OF THE THIRD

**BUSINESS DAY AFTER THE DATE OF THIS TRANSACTION.**

The buyer may cancel by written notice mailed to the seller, preferably by certified or registered letter, or he may cancel by delivering a notice in person within the cancellation period. If such notice is delivered, the buyer shall be entitled to a receipt.

Amend RSA 358-I:6, I(a)(1) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(1) The buyer is unable to receive benefits from the seller's services by reason of death or disability. The health club may require that the disability be confirmed by an examination of a physician agreeable to the member and the health club; provided, however, that this subparagraph shall not operate to prevent the buyer from proving the disability in a judicial proceeding; or

Amend RSA 358-I:7, I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. A health club shall be prohibited from offering specials or discounts unless such specials or discounts are made in writing and are made available to all prospective members who have not previously been members of the health club; provided, however, that specials or discounts offered to groups need not be made available to all prospective members.

Amend RSA 358-I:4, II as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

II. A health club is prohibited from selling a membership plan not included in this list and in the registration statement required by RSA 358-I:2, I.

Amend RSA 358-J:3, I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. A fully completed copy of every contract shall be delivered to the member at the time the contract is signed. Every contract must constitute the entire agreement between the seller and the member, shall be in writing, shall be signed by the member, and shall designate the date on which the member signed the contract.

Amend RSA 358-J:5 as inserted by section 1 of the bill by striking out same and renumbering the original RSA 358-J:6; RSA 358-J:7 and RSA 358-J:8 to read as follows: 358-J:5, 358-J:6 and 358-J:7, respectively.

Amendment adopted.

Rep. Crory offered an amendment.

**Amendment**

Amend RSA 358-H as inserted by section 1 of the bill by inserting after RSA 358-H:7 the following new section:

358-H:8 Surety Bond. A rental referral agency shall post a surety bond of not less than \$20,000 with the consumer protection and antitrust division of the office of the attorney general. The type of surety bond shall be designated by the consumer protection and antitrust division. No bond shall be accepted for filing unless it is with a surety company authorized to do business in this state. Any person who is damaged by any violation of this chapter, or by the rental referral agency's breach of the contract subject thereto may bring an action against the bond to recover damages suffered and any other amounts allowable by law. The attorney general, in an action brought under this chapter or any other applicable provision of law, may likewise proceed against said bond.

Amend RSA 358-I:2 as inserted by section 1 of the bill by inserting after paragraph II the following new paragraphs:

III. Post a surety bond in the amount of \$50,000 with the attorney general's consumer protection and antitrust division. The type of surety bond shall be designated by the division. No bond shall be accepted for filing unless it is with a surety company authorized to do business in this state. Any person who is damaged by any violation of this chapter, or by the seller's breach of the contract for sale or any obligation arising therefrom may bring an action against the bond to recover damages suffered and any other amounts allowable by law. The attorney general, in any action brought under this chapter or any other applicable provisions of law, may likewise proceed against said bond.

IV. The division may from time to time exempt from the bonding requirement set forth in paragraph III any health club if the health club furnishes to the division a copy of its financial statements, certified by its president or principal to be true and correct, and such other documentation as the division may require, establishing to the satisfaction of the division sufficient financial responsibility to satisfy the possible claims of the type which might be brought against the bond. Health clubs exempted by the division from posting a bond under this subparagraph shall annually file documentation, as the division deems appropriate, establishing sufficient financial responsibility to continue to be exempt from the bonding requirement of paragraph III. Financial information filed with the division pursuant to this paragraph shall not be disclosed publicly except in connection with a hearing, civil action, or criminal action involving the party who submitted the information.

Amend RSA 358-J as inserted by section 1 of the bill by inserting after RSA 358-J:7 the following new section:

358-J:8 Bond Requirement. Every buying club that has a membership fee in excess of \$35 shall post a surety bond in the amount of \$20,000 with the attorney general's consumer protection and antitrust division. The type of surety bond shall be

designated by the consumer protection and antitrust division in the office of the attorney general. No bond shall be accepted for filing unless it is with a surety company authorized to do business in this state. Any person who is damaged by any violation of this chapter, or by the club's breach of the contract for sale or any obligation arising therefrom may bring an action against the bond to recover damages suffered and any other amounts allowable by law. The attorney general, in any action brought under this chapter or any other applicable provision of law, may likewise proceed against said bond.

Rep. Crory explained her amendment and yielded to questions.

Reps. Blanchette and Thomas Hynes spoke in favor of the amendment.

Rep. B. P. Smith spoke against the amendment.

Rep. Harold Burns spoke against the amendment and yielded to questions.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 167 NAYS 144

YEAS 167

BELKNAP: Birch, Bolduc, Bowler, Dexter, Gary Dionne, Hardy, Robert Hawkins, Holbrook and Zeckhausen.

CHESHIRE: Barber, Eugene Clark, Crane, Davis, Daniel Eaton, David Meader, Michaelides, Parker, Perry, Margaret Ramsay, William Riley, Scranton and William Sullivan.

COOS: Chappell, Guay, Langley, Pelletier, Theriault, Valliere and York.

GRAFTON: Chambers, Copenhagen, Crory, Densmore, Girouard, Harnish, Michael King, Wayne King, McAvoy, Taffe, Weymouth and Whitcomb.

HILLSBOROUGH: Debora Ahern, Richard Ahern, Burkush, Carragher, Cote, Donovan, Dupont, Gagnon, Galway, Gelinas, Grasso, Daniel Healy, Hendrick, Humphrey, Thomas Hynes, Michael Jones, Kaklamanos, Kashulines, Evelyn King, Knight, John Lawrence, Leclerc, Lefebvre, Lyons, McGlynn, Nelson, Nute, Parmenter, Marjorie Peters, Pressly, Raiche, Peter Ramsey, Reidy, Resch, Robie, Ellen-Ann Robinson, Roy, Silva, James Sullivan, Talbot, Turgeon, Vachon, Van Loan, Geraldine Watson, Harold Watson, Emma Wheeler, Kenneth Wheeler, Robert Wheeler, Eleanor Whittemore, Winn and Zajdel.

MERRIMACK: Anderson, Bardsley, Bowes, Chynoweth, Samuel Clark, Degnan, Mary Holmes, Kinhan, Doris Riley, Louise Roberts, Savaria, Gerald R. Smith, Stark, Stio, Wallner and James Whittemore.

ROCKINGHAM: Ames, Beliveau, Blanchard, Blanchette, William Boucher, Case, Connors, Cotton, Cressy, Harry Flanders, Thomas Gage, Greene, Gregorio, Hollingworth, John Hynes, Joslyn, Keenan, Glenden Kelley, Kozacka, Krasker, Leslie, Lovejoy, McLane, Nagel,

Nevins, Newman, Pantelakos, Popov, Romoli, Schwaner, Sloan, Sochalski, Splaine, Tufts, Warburton and Raymond Wood.

STRAFFORD: Appleby, Banks, Belhumeur, Blouin, Chagnon, Chisholm, Demers, Dingle, Fielding, Flynn, Grassie, Joos, Lussier, Arnold Peters, Sackett, Schreiber and Timm.

SULLIVAN: Carlson, Converse, Cutting, Irwin, Paul Johnson and Palmer.

NAYS 144

BELKNAP: Bastraw, French, Golden, Lamprey, Pearson and David Whittemore.

CARROLL: Ashnault, Chase, Dickinson, Heath, Robert Holmes, Hraha, Kenneth MacDonald, McIntire, Murphy, Powers and Saunders.

CHESHIRE: Gordon, Grodin, Elmer Johnson and Lane.

COOS: Harold Burns, Chardon, Horton and Oleson.

GRAFTON: Blair, Christy, Downing, Driscoll, Duggan, Easton, Hutchings, LaMott, Logan, Mann, Rounds, Stewart, Walter and Ward.

HILLSBOROUGH: Ahrens, Arnold, Aris, Baker, Bass, Bergeron, Boutwell, Leslie Burns, Charbonneau, William Dion, Duffett, Duprey, Clyde Eaton, Joseph Eaton, Fields, Ford, Grip, Harrington, George Hawkins, Head, Jean, Keefe, Robert Kelley, Labombarde, David Lemire, Levesque, Martineau, Howard Mason, Migneault, Morrisette, O'Rourke, Paradis, Quinn, Russell, B. P. Smith, Steiner, Stylianos, Mary Sullivan, Sylvia, Tamposi, John Wallace and Ware.

MERRIMACK: Allgeyer, Bibbo, Laurent Boucher, Daniell, Dean, Gross, Jacobson, Kidder, Arthur Locke, Mercier, Nichols, Pannell, Phelps, William Roberts, Rogers and Shepard.

ROCKINGHAM: Bangs, Benton, Blaisdell, Blake, Danderson, Drake, Ellyson, Beverly Gage, Katsakiores, Roger King, LoFranco, Longworth, Mace, Malcolm, Robert Mason, William Moore, Newell, Palumbo, Pevear, Scamman, Schmidtchen, Sherburne, Simon, Skinner, Sytek, Tavitian, Vartanian, Walker and Woodward.

STRAFFORD: Couture, Albert Dionne, Hennessey, Hussey, Robert Jones, Kincaid, Pelley, Francis Robinson, Gerald L. Smith, Franklin Torr and Whiting.

SULLIVAN: Brodeur, Flint, Gray, Ingram, Susan Lawrence, Reney and Townsend, and the amendment was adopted.

Ordered to third reading.

HB 690, requiring that churches be billed for electricity at residential rates. Inexpedient to Legislate.

The Committee felt this subject material should be left to the Public Utilities Commission because it concerns changing rate charges. Vote 12-0. Rep. A.

Leslie Burns for Commerce, Housing and Consumer Affairs.

Resolution adopted.

HB 790, requiring all telephone calls within New Hampshire to be charged at local service rates during night and weekend hours. Inexpedient to Legislate.

This bill was opposed by the Public Utilities Commission. It felt that rate setting was more properly left to the agency with the expertise to study the rate cases. Vote 11-0. Rep. Harold W. Burns for Commerce, Housing and Consumer Affairs.

Resolution adopted.

HB 811, relative to the protection of tenants in conversion of rental units. Refer for Interim Study.

The Committee felt that SB 35 would be a more acceptable bill in this session, but also felt that the added protection afforded for tenants in HB 811 should be studied in the interim. Vote 14-0. Rep. Harold V. Lynde for Commerce, Housing and Consumer Affairs.

Rep. Converse moved that the words, Ought to Pass, be substituted for the Committee report, Refer for Interim Study, and spoke to his motion.

Rep. Harold Burns spoke in favor of the motion.

Motion adopted.

Ordered to third reading.

HB 463, transferring the licensing and enforcement duties of the state liquor commission to the department of safety. Ought to Pass with Amendment.

This legislation will not eliminate DWI but it is a constructive step in the right direction. The Committee perceived strong support for separation of the promotion of liquor sales from the enforcement of liquor laws. The amendment removes the group II retirement clause of inspectors and retains the tax auditing function in the Liquor Commission. Vote 18-1. Rep. Harold W. Watson for Executive Departments and Administration.

#### Amendment

Amend section one of the bill by striking out same and inserting in place thereof the following:

1 Cross-References. Amend the following sections and paragraphs of RSA by striking out in them the word "commission" and inserting in place thereof the following (division): RSA 175:6; RSA 175:10-a; RSA 175:15; RSA 176:16; RSA 178:3-d; RSA 178:4; RSA 178:5-c; RSA 178:6; RSA 178:7-a, II; RSA 178:7-a, III; RSA 178:8-a; RSA 178:8-b; RSA 178:8-c; RSA 178:8-e; RSA 178:11-a; RSA 178-A:2; RSA 178-A:8; RSA 178-A:9; RSA 178-A:13; RSA 178-A:14; RSA 178-B:5, I; RSA 178-B:5, III; RSA 178-B:5, IV; RSA 181:1, V; RSA 181:4; RSA 181:4-b; RSA

181:10; RSA 181:14-a; RSA 181:15-a; RSA 181:16; RSA 181:20; RSA 181:22, I; RSA 181:23; RSA 181:24.

Amend RSA 176:14-a as inserted by section 22 of the bill by striking out same and inserting in place thereof the following:

176:14-a Funds; Division. All net revenues derived by the division from the issuance of licenses to manufacture or sell wine or liquor and permits to manufacture, transport or sell beverages shall be used by the division to cover its expenses of operation and other necessary expenditures. Any balance shall be paid into the general fund on an annual basis.

Amend the bill by striking out section 54 and inserting in place thereof the following:

54 Disposition of Revenue. Amend RSA 181:33 by striking out said section and inserting in place thereof the following:

181:33 Disposition of Funds. All income received by the division from the provisions of this chapter shall be disposed of as provided under RSA 176:14-a. All income received by the commission from the provisions of this chapter shall be paid to the state treasurer. The commission's expense of administration and other expenditures provided for under this chapter shall be paid by the state treasurer on warrants of the governor with the advice and consent of the council. The balance of said revenue shall be paid into the general funds of the state.

Amend the bill by striking out section 67 and inserting in place thereof the following:

67 Transfer. All of the appropriations for, and rights, obligations, duties, powers, personnel, supplies and equipment of the state liquor commission relating to licensing and enforcement under the provisions of title XIII are hereby transferred to the division of liquor licensing and enforcement; provided, however, that beer tax auditors, and any appropriations, rights, obligations, powers, personnel, supplies and equipment of the state liquor commission relating to said auditors, shall remain within the state liquor commission. The transfer herein provided for shall not eliminate any existing position within the classified service unless such position shall be vacant or, if filled, its incumbent has been transferred to an equivalent or higher paid position.

Amend the bill by striking out section 68 and inserting in place thereof the following:

#### 68 Restrictions.

I. No person who is a member of the New Hampshire retirement system on the effective date of this act and who, because of the terms of this act, shall be transferred to the department of safety's



division of liquor licensing and enforcement shall be reclassified as a result of said transfer.

II. No person who after the effective date of this act is an employee of the department of safety's division of liquor licensing and enforcement shall be required to wear a uniform or to meet the education and training requirements of RSA 105-A:5, I and II.

Amend the bill by striking out sections 55, 56, 64 and 65 and renumbering sections 57-63 and 66-71 as 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66 and 67 respectively.

Amendment adopted.

Referred to Appropriations.

HB 634-FN, relative to straight chiropractic. Ought to Pass with Amendment.

The Committee felt that establishing a separate board for straight chiropractic was too drastic a step at this time. The Committee felt that the amendment, which clarifies board membership and examination restrictions adequately addressed the straight chiropractor's complaints. Vote 20-0. Rep. Wayne D. King for Executive Departments and Administration.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to the practice of chiropractic.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Board. Amend RSA 316:2 (supp) as amended by striking out said section and inserting in place thereof the following:

316:2 Board.

I. There shall be a board of chiropractic examiners consisting of 5 members; including 4 chiropractors and one public member, each to be appointed by the governor, with the approval of the council, to a term of 5 years. No member of the board shall be appointed to more than 2 consecutive terms. Only board members provided for in this paragraph shall have the authority to vote in board determinations. The public member shall be the board chairman. At least 2 members of the board shall be practitioners of mixed chiropractic. Each of such members shall be appointed from a list of 3 nominees submitted for each position by the New Hampshire Chiropractic Association. At least 2 members of the board shall be practitioners of straight chiropractic. Each of such members shall be appointed from a list of 3 nominees submitted for each position by the New Hampshire Straight Chiropractic Society.

2 Qualifiers Added. Amend RSA 316:2-a, III (supp) as inserted by 1981, 480:4 by striking out said paragraph and inserting in place thereof the following:

III. How an applicant shall be examined, including the time and place of the examination; provided that graduates of chiropractic colleges approved by the states in which they are located shall be at all times considered qualified to sit for examination; and provided, further, that graduates of colleges of straight chiropractic be given an examination consistent with the courses of instruction given in the college from which they were graduated;

3 Chairman Not to be Elected. Amend RSA 316:5 by striking out said section and inserting in place thereof the following:

316:5 Organization; Meetings. The board shall elect a secretary-treasurer. The board shall meet at least annually and at such other times as board business shall require.

4 Qualifications. Amend RSA 316:9, III (supp) as inserted by 1981, 480:6 by striking out said paragraph and inserting in place thereof the following:

III. Have graduated from a degree granting accredited chiropractic college; or have graduated from a chiropractic college which is a recognized candidate for accreditation by an established chiropractic accrediting body.

5 New Section. Amend RSA 316 by inserting after section 19 the following new section:

316:19-a Services Provided. Each practitioner of chiropractic duly licensed under this chapter shall prominently display in his waiting room an explanation of those services which he is licensed and authorized to perform in accordance with this chapter. Such explanation of services shall be written in simple, clear language in terms easily understandable by patients.

6 Review Committee. Amend RSA 316:21 (supp) as inserted by 1975, 245:2 by striking out said section and inserting in place thereof the following:

316:21 Proceedings of Chiropractic Review Committee. All proceedings, records, findings and deliberations of chiropractic review committees duly established by the New Hampshire Chiropractic Association or by the New Hampshire Straight Chiropractic Society are confidential and privileged and shall not be used or available for use or subject to process in any other proceeding. The manner in which the chiropractic review committee and each member thereof deliberates, decides or votes on any matter submitted to it is likewise confidential and privileged and shall not be the subject of inquiry in any other proceeding.

7 Appointments. Appointments to the board of chiropractic examiners shall be made to reach compliance with the composition requirements of this act as soon as practicable, provided that no present board member shall be required to resign such membership prior to the expiration of his term under prior law and that a straight chiropractic member shall be appointed to the board to fill the first vacancy, and the



second vacancy, if necessary, occurring after this act has taken effect.

8 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Rep. Gary Dionne moved that the words, Refer for Interim Study, be substituted for the Committee report, Ought to Pass with Amendment, and spoke to his motion.

Reps. Ward and Townsend spoke against the motion.

Rep. Sylvia spoke in favor of the motion and yielded to questions.

Rep. Michael Jones spoke in favor of the motion.

A roll call was requested. Sufficiently seconded.

Rep. Eugene Clark abstained from voting under Rule 16.

(Speaker presiding)

YEAS 93 NAYS 225

YEAS 93

BELKNAP: Birch, Bolduc, Gary Dionne, French, Golden and Robert Hawkins.

CARROLL: Murphy.

CHESHIRE: Barber, Davis, Gordon, Elmer Johnson, Michaelides and William Riley.

COOS: Langley, George Lemire, Valliere and York.

CRAFTON: Chambers, Easton, Hutchings and Michael King.

HILLSBOROUGH: Burkush, Cote, William Dion, Durant, Joseph Eaton, Gelinas, Harrington, Daniel Healy, Humphrey, Jean, Michael Jones, Kaklamanos, Kashulines, Evelyn King, John Lawrence, Levesque, McGlynn, Nute, O'Rourke, Pressly, Peter Ramsey, Reidy, Robie, Silva, Leonard Smith, Soucy, Sylvia, Talbot, Vachon, John Wallace, Robert Wheeler, Winn and Zajdel.

MERRIMACK: Degnan, Pannell, Doris Riley, Stio and Wallner.

ROCKINGHAM: Blaisdell, Blanchette, Case, Connors, Drake, Ellyson, Hollingworth, John Hynes, Kane, Katsakiores, Kozacka, Leslie, Newman, Pantelakos, Popov, Schwaner, Simon, Splaine, Tavitian and Tufts.

STRAFFORD: Banks, Belhumeur, Chagnon, Couture, Demers, Flynn, Kincaid, Arnold Peters, Francis Robinson, Schreiber and Gerald L. Smith.

SULLIVAN: Carlson, D'Amante and Irwin.

NAYS 225

BELKNAP: Bastraw, Bowler, Dexter, Hardy, Holbrook, Lamprey, Pearson, Randall, David Whittemore and Zeckhausen.

CARROLL: Ashnault, Dickinson, Heath, Robert Holmes, Hraba, Kenneth MacDonald, McIntire and Saunders.

CHESHIRE: Crane, Daniel Eaton, Grodin, Lane, David Meader, Miller, Morse, Parker, Perry, Margaret Ramsay, Scranton and William Sullivan.

COOS: Harold Burns, Chappell, Chardon, Coulombe, Guay, Horton, Oleson, Pelletier and Theriault.

GRAFTON: Blair, Christy, Copenhaver, Crory, Densmore, Downing, Driscoll, Duggan, Cirouard, Harnish, Wayne King, LaMott, Logan, Mann, McAvoy, Rounds, Stewart, Taffe, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Debora Ahern, Richard Ahern, Ahrens, Arnold, Bass, Bergeron, Boutwell, John Burns, Leslie Burns, Carragher, Charbonneau, Craig, Donovan, Duffett, Dupont, Duprey, Fields, Ford, Gagnon, Galway, Grip, George Hawkins, Head, Hendrick, Thomas Hynes, Keefe, Robert Kelley, Knight, Labombarde, Leclerc, Lefebvre, David Lemire, Lyons, Martineau, Howard Mason, Migneault, Morrisette, Nelson, Nickerson, Paradis, Parmenter, Marjorie Peters, Quinn, Raiche, Ellen-Ann Robinson, Roy, Russell, B. P. Smith, Steiner, Stylianos, James Sullivan, Mary Sullivan, Tamposi, Turgeon, Van Loan, Ware, Geraldine Watson, Harold Watson, Emma Wheeler, Kenneth Wheeler and Eleanor Whittemore.

MERRIMACK: Allgeyer, Anderson, Bardsley, Bibbo, Laurent Boucher, Boves, Chynoweth, Samuel Clark, Daniell, Dean, Gross, Mary Holmes, Jacobson, Kidder, Kinhan, Arthur Locke, Mercier, Nichols, Parrish, Phelps, William Roberts, Rogers, Savaria, Shepard, Stark, Underwood and James Whittemore.

ROCKINGHAM: Ames, Bangs, Belanger, Beliveau, Benton, Blake, Blanchard, William Boucher, Burdick, Campbell, Cressy, Danderson, Harry Flanders, Beverly Gage, Thomas Gage, Greene, Gregorio, Joslyn, Keenan, Glenden Kelley, Roger King, LoFranco, Longworth, Lovejoy, Mace, Malcolm, Robert Mason, McLane, William Moore, Nagel, Nevins, Newell, Palumbo, Pevear, Romoli, Schmidtchen, Sherburne, Skinner, Sloan, Sochalski, Stork, Sytek, Vartanian, Walker, Warburton, Webster, Raymond Wood and Woodward.

STRAFFORD: Appleby, Blouin, Bouchard, Chisholm, Dingle, Albert Dionne, Fielding, Grassie, Hennessey, Hussey, Robert Jones, Joos, Lussier, Pelley, Sackett, Timm, Franklin Torr and Whiting.

SULLIVAN: Brodeur, Converse, Cutting, Flint, Gray, Ingram, Paul Johnson, Palmer, Reney and Townsend, and the motion lost.  
Ordered to third reading.

HB 646-FN, establishing a department of transportation. Ought to Pass with Amendment.

This bill, as amended, incorporates the recommendations of the Transportation Subcommittee of the Joint Committee on Executive Reorganization. It establishes a department of transportation which consolidates the

Department of Public Works and Highways, the Transportation Division of the Public Utilities Commission and the Aeronautics Commission. Vote 20-0. Rep. Kathleen W. Ward for Executive Departments and Administration.

#### Amen dment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 21-F the following new chapter:

#### CHAPTER 21-G DEPARTMENT OF TRANSPORTATION

21-G:1 Department Established; General Functions.

I. There is hereby established the department of transportation, an agency of the state.

II. The department of transportation, through its officials, shall be responsible for:

(a) Planning, developing and maintaining a state transportation network which will provide for safe and convenient movement of people and goods throughout the state by means of a system of highways, railroads, air service, mass transit and other practicable modes of transportation, in order to support state growth and economic development and promote the general welfare of the citizens of the state.

(b) Except as otherwise provided by law, developing and maintaining state owned and supported land and buildings, and cooperating with the department of administration and control, or its successor agency, in preparing a long range state capital improvements plan; and

(c) Performing any regulation of transportation activities required by law which is not within the jurisdiction of another state agency.

21-G:2 Internal Organizational Units.

I. The department shall include the following internal organizational units performing the following major functions:

(a) The division of administration, under the supervision of a director of administration, who shall, in accordance with applicable laws:

(1) Be responsible to provide for:

- (i) accounting, purchasing and budget control;
- (ii) personnel management;
- (iii) property, contracts and grants management;
- (iv) data processing; and
- (v) assistance to the commissioner with short and long range department level planning activities.

(2) Exercise, subject to the supervision of the commissioner,

superior authority over the directors of the other divisions of the department relative to areas of responsibility specified in this subparagraph.

(b) The division of transportation, under the supervision of a director of transportation, who shall be responsible for the following functions, in accordance with applicable laws:

(1) Transportation engineering, including planning and design for state highway, rail, air and other forms of transportation.

(2) Materials research and testing.

(3) Acquisition of all real property rights necessary to carry out department responsibilities.

(4) Field supervision of all transportation construction.

(5) Maintenance and supervision of the state transportation network.

(6) Maintenance and control of all department inventory and equipment.

(c) The division of regulation, under the supervision of a director of regulation, who shall be responsible for the following functions, in accordance with applicable laws:

(1) Issuance of all permits, registrations and licenses for which the department is responsible.

(2) Investigation of all transportation related complaints and accidents for which the department is responsible.

(3) Such other regulation of transportation as is assigned by law to the department.

(d) The division of public works, under the supervision of a director of public works, who shall be responsible for the following functions, in accordance with applicable laws:

(1) Public works engineering, including planning and design for all public works projects.

(2) Field supervision of all public works construction.

(3) Maintenance, supervision and coordination of all state owned and supported land and buildings, including, but not limited to, those functions specified in RSA 228:6, I.

(4) The responsibilities referred to in RSA 228:6, IV.

II. Whenever the commissioner determines that the administration of the functions of the department may be more efficiently performed by eliminating, merging, or consolidating existing statutory internal units, or by establishing a new division, he shall present a plan to the general court for its consideration.

21-G:3 Commissioner; Directors.

I. The commissioner of the department shall be appointed by the governor, with the consent of the council, and shall serve at the pleasure of the governor.

II. The commissioner shall nominate each division director for appointment by the governor with the consent of the council. The division directors

shall serve at the pleasure of the commissioner.

21-G:4 Qualifications: Compensation.

I. The commissioner of the department shall be qualified to hold that position by reason of education and experience.

II. The directors of all divisions of the department shall be qualified to hold their respective positions by reason of education and experience.

III. The salaries of the commissioner and the division directors of the department shall be as specified in RSA 94:1-a.

21-G:5 Duties of Commissioner. In addition to the powers, duties and functions otherwise vested by law in the commissioner of the department of transportation, he shall:

I. Represent the public interest in the administration of the functions of the department and be responsible to the governor, the general court and the public for such administration.

II. Consult regularly with regional planning commissions established pursuant to RSA 36 with regard to department planning activities.

III. Provide for a unit within his office to monitor projects and to conduct audits of department activities to assure compliance with state and federal contracts, laws and program objectives.

IV. Require the director of the division of administration, in consultation with the comptroller and the state treasurer, to provide for a system of accounts and reports in accordance with generally accepted accounting principles, which will insure the integrity and lawful use of all revenues collected by the department, the use of which is restricted by state or federal law.

V. Adopt rules, pursuant to RSA 541-A, necessary to assure the continuation or granting of federal funds or other assistance not otherwise provided for by law.

VI. Employ hearing officers, qualified by education and experience, to conduct all hearings required by law to be held by the division of regulation. Said hearing officers shall be employed in accordance with the personnel statutes and rules, but shall not be classified at less than labor grade 28.

21-G:6 Appeals.

I. For purposes of this section, "department decision" means the final action on an application, petition or request taken by the commissioner or any department official to whom the commissioner has properly delegated the authority to take such final action. "Department decision" does not mean rulemaking or an agency declaratory ruling as provided for in RSA 541-A.

II. The commissioner of the department shall establish a list of individuals who shall be available to hear appeals of department decisions in accordance with this section. The composition and maintenance of the list, which shall be adopted as a rule, pursuant to RSA 541-A, shall be as follows:

(a) There shall at all times be 20 individuals, known as appeals officers, appointed by the commissioner, on the list. Each appeals officer shall be limited to a single term of 5 years; provided that of the original appointments 4 shall be for a term of 1 year, 4 shall be for a term of 2 years, 4 shall be for a term of 3 years, 4 shall be for a term of 4 years, and 4 shall be for a term of 5 years. Vacancies shall be filled for the unexpired term, and any individual appointed to fill a vacancy shall be eligible to serve one full term in his own right.

(b) All appeals officers shall be qualified for their positions by reason of interest, experience or education. Appointments shall be made in such a way as to assure a broad and equitable representation of the widest possible opinion and experience in the fields regulated by the department.

(c) Appeals officers shall receive no compensation for their services, but shall be reimbursed for mileage at the state employee rate while engaged in actual appeals work. No reimbursement shall be made for travel outside the state.

(d) The commissioner shall assure that a current list is kept on file with the secretary of state.

III. Appeals officers shall not:

(a) Have a substantial direct or indirect financial or economic interest to the parties or the specific subject matter of any appeal on which they sit;

(b) Be related by affinity or consanguinity to the commissioner or any employee of the department or to any party in interest to an appeal on which they sit;

(c) Hold any legal, equitable, creditor or debt interest in any partnership, firm or other entity which contracts with the department;

(d) Engage in ex parte communications concerning any appeal from a department decision; and

(e) Perform their duties in any manner which is other than impartial and diligent, or qualify themselves for an appeal when their impartiality might reasonably be questioned.

IV. Administrative appeals of department decisions shall be heard by a 3 member appeals tribunal and shall be taken in the following manner:

(a) The appellant shall file a petition as specified by rule of the department.

(b) The commissioner shall, within 5 working days of the filing of the petition, provide the appellant with copy of the list of appeals officers as provided in paragraph II.

(c) Within 10 working days of receiving the list, the appellant shall notify the commissioner of his choice for one appeals officer together with one alternate choice from the list whom the appellant wishes to sit on his appeal. The commissioner shall, within 5 working days, notify the appellant of his choice for one appeal officer together with one alternate choice from the list whom he wishes to sit on the appeal.

(d) Within 2 working days from the day he is notified of the appellant's choice of an appeals officer, the commissioner shall notify the appeals officers of their respective selections.

(e) The 2 appeals officers chosen shall, within 3 working days, choose a third appeals officer from the list of appeals officers who shall serve as the chairman of the 3-member appeals tribunal chosen for the particular appeal. The individual so chosen shall immediately notify the commissioner and the appellant of his appointment.

(f) If the first and second choices of appeals officers disqualify themselves, an additional 3 working days shall be granted for the commissioner, the appellant or the 2 appeals officers to choose a qualified replacement appeals officer.

(g) The appeals tribunal shall commence its hearing procedure as provided by rule of the department.

V. The commissioner of the department shall provide all necessary administrative support, within reason, requested by the chairman of a duly constituted appeals tribunal.

VI. An appeal under this section shall be considered a rehearing for purposes of RSA 541 and any other provision of law requiring a rehearing in the department prior to taking an appeal to any court.

2 Transfer and Termination of Agencies. The department of public works and highways, the aeronautics commission, and the transportation division of the public utilities commission are hereby abolished and all powers, functions, and duties of such agencies and the officials of such agencies, except as otherwise provided by this act, are hereby transferred to and vested in the commissioner of transportation.

### 3 References.

I. With respect to the functions, powers, and duties transferred under this act to the department of transportation, whenever in any law, rule, judicial or administrative proceeding or otherwise, reference is made to the department of public works and highways, the aeronautics commission, or the transportation division of the public utilities commission, the same shall mean and refer to the department of transportation.

II. The director of legislative services is hereby authorized, with the approval of the speaker of the house and the president of the senate, to make changes in the printed version of all laws and rules as provided in paragraph I, provided that no substantive changes may thereby be made.

4 Transfers from Office of State Planning. All functions, powers, and duties of the office of state planning, relative to urban mass transportation planning and related activities, are hereby transferred to the department of transportation established by this act.

5 Reports. Unless explicitly provided otherwise, whenever reports, certifications, applications, or requests are required to be made to any agency whose powers and duties are transferred to the department of

transportation by this act, such reports shall be filed with or made to the department of transportation.

6 Effect on Prior Rules. This act shall not affect the orders and rules previously made or adopted by any agency, the functions, powers, and duties of which have been reassigned or transferred to the department of transportation.

7 Effect on Prior Actions or Proceedings. This act shall not affect any action or proceeding brought by or against any agency, the functions, powers, and duties of which have been assigned or transferred to the department of transportation, which is pending on the effective date of this act.

### 8 Protection of Obligations.

I. This act is not intended and shall not be construed to impair the contractual or other obligations of any agency, the functions, powers and duties of which have been assigned or transferred to the department of transportation.

II. The obligations and debts of any agency, the functions, powers and duties of which have been assigned or transferred to the department of transportation, shall become the obligations and debts of the department of transportation.

III. All dedications and allocations of revenues and sources of revenues heretofore made to any agency, the functions, powers and duties of which have been assigned or transferred to the department of transportation, shall continue in the same manner, to the same extent, and for the same purposes as were provided prior to the enactment of this act.

9 Effect on Federal Law. This act shall not be construed or applied in any way which will prevent full compliance by the department of transportation with the requirements of any act of the Congress of the United States or any regulation made thereunder by which federal aid or other federal assistance has been or is hereafter made available.

10 Transfer of Appropriations. All appropriations, grants, and other money available and to become available to any agency, the functions, powers, and duties of which have been assigned or transferred under this act, are hereby transferred to the department of transportation and shall be available for the objects and purposes for which appropriated, subject to any terms, restrictions, limitations, or other requirements imposed by state or federal law.

11 Transfer of Employees. All classified employees heretofore engaged in the performance of duties in each agency abolished whose powers, duties, functions, and responsibilities are transferred in accordance with this act are hereby transferred to the department of transportation to the extent the commissioner deems necessary to carry out the functions of the abolished agency and shall, insofar as practicable and necessary, continue to perform the duties heretofore performed, subject to applicable personnel statutes.

12 Transfer of Records, Equipment. All files, books, paper, records, equipment,



supplies, service contracts, and other property of any agency, the functions, powers, and duties of which have been assigned or transferred to the department of transportation, shall be transferred to the department of transportation.

13 Cooperation During Transition. The comptroller and all officials and personnel of the agencies affected by this act shall cooperate with the commissioner-designate and provide such information, administrative support, staff assistance and facilities as he may require to ensure an orderly and timely transition.

14 Conditions for Transition. In the event that House Bill 1 of the 1983 regular session of the general court, the executive branch reorganization act of 1983, becomes law, any reorganization, transition or implementation provisions of this act shall be superseded by any conflicting provisions of House Bill 1.

15 Authority to Conform Laws. The director of legislative services is hereby authorized, with the approval of the speaker of the house and the president of the senate, to make changes in the printed version of all laws enacted by the 1983 session of the general court that may be necessary for the purpose of conforming the language of such legislation to the language of this act, provided that no substantive changes may thereby be made. Such authority shall expire upon the printing of the 1983 session laws.

16 Transition. The governor, with the consent of the council, may appoint the commissioner of transportation on or after July 1, 1983. The transfers required by this act shall be completed by October 1, 1983. The governor may draw his warrant upon funds not otherwise appropriated to cover reasonable expenses associated with the transition, including reimbursement of the commissioner-designate.

17 Sunset Termination Date. The department of transportation, established by this act, shall terminate on July 1, 1989, pursuant to RSA 17-G.

18 Salaries. Amend RSA 94:1-a, I (supp) as inserted by 1975, 505:28 as amended as follows:

I. In Group K, by striking out the title "Director, transportation division."

II. In Group L, by striking out the title "Coordinator of highway safety" and inserting in place thereof the following (Director, division of administration, department of transportation).

III. In Group M, by striking out the title "Director of aeronautics."

IV. In Group N by inserting the following titles:

(a) "Director, division of transportation, department of transportation".

(b) "Director, division of regulation, department of transportation".

(c) "Director, division of public works, department of transportation".

V. In Group O, by striking the following titles:

(a) "Deputy commissioner, public works and highways".

(b) "Assistant commissioner, public works and highways".

(c) "Associate commissioner, public works and highways".

VI. In Group P, by striking out the title "Commissioner, public works and highways" and inserting in place thereof the following (Commissioner, department of transportation).

19 Effective Date.

I. Sections 13, 15 and 16 of this act shall take effect July 1, 1983.

II. Sections 1 - 12, 14, and 17 - 18 shall take effect October 1, 1983.

Amendment adopted.

Rep. Ward offered an amendment.

#### Amendment

Amend the bill by striking out section 16 and inserting in place thereof the following:

16 Transition. The governor, with the consent of the council, may appoint the commissioner of transportation on or after July 1, 1983. The transfers required by this act shall be completed by February 1, 1984. The governor may draw his warrant upon funds not otherwise appropriated to cover reasonable expenses associated with the transition, including reimbursement of the commissioner-designate.

Amend paragraph II of section 18 of the bill by striking out same and inserting in place thereof the following:

II. In Group L, by inserting the title "Director, division of administration, department of transportation."

Amend the bill by striking out section 19 and inserting in place thereof the following:

19 Oversight of Implementation.

I. The commissioner of transportation appointed under the provisions of this act shall prepare a workable transition plan for implementing the provisions of this act. This implementation plan shall include detailed provisions for the consolidation of the agencies, the powers, duties and functions of which are transferred by this act, including provisions for the transfer and utilization of positions, personnel, funds, property, office space, facilities and equipment and such other details as are necessary to effectuate the purposes of this act. This plan shall be completed not later than 4 months after the appointment of the commissioner of transportation.

II. There shall be a joint committee of the general court to oversee the implementation of this act. The committee shall consist of 10 members, 5 of whom shall be representatives, 3 appointed by the speaker of the house, at least one of whom shall be a member of the house executive departments and administration committee, and 2 appointed by the house minority leader, at least one of whom shall be a member of the house executive departments and administration committee, and 5 of whom shall be senators, 3 appointed



by the president of the senate, at least one of whom shall be a member of the senate executive departments committee, and 2 appointed by the senate minority leader, at least one of whom shall be a member of the senate executive departments committee. The members shall be appointed for their term of office, provided that all members shall be eligible for reappointment so long as they are qualified under the provisions of this section. Members shall be appointed no later than December 30 of the year of their election to the general court, except that vacancies shall be filled for the unexpired term within 30 days of the creation of said vacancy, and the initial appointments under this chapter shall be made within 30 days of the effective date of this chapter. The members shall choose a chairman from their number. The committee shall be dissolved upon the effective date of the approved implementation plan provided for by paragraph III of this section.

III. Completed implementation plans shall be submitted to the joint committee established by this section. The joint committee shall approve or disapprove such plans within 14 days of receiving them.

(a) Any such plan disapproved by the joint committee shall be returned to the commissioner of transportation for further refinement.

(b) Any such plan approved by the joint committee shall become effective on such date as shall be approved by the governor and the joint committee, which date shall in no case be later than 6 months after the date of appointment of the commissioner of transportation.

(c) If the commissioner of transportation fails to submit an implementation plan which meets with the approval of the joint committee prior to the date specified in subparagraph (b), the joint committee shall prepare the implementation plan for the department of transportation. This plan shall take effect not later than 3 months after the date specified in subparagraph (b) as determined by the joint committee.

IV. During the preparation of the implementation plan, the commissioner of transportation shall ensure that the joint committee is kept apprised of his progress and the joint committee shall have the power to require the commissioner to meet with it as it deems necessary.

#### 20 Effective Date.

I. Sections 13, 15, 16 and 19 of this act shall take effect July 1, 1983.

II. The remainder of this act shall take effect October 1, 1983.

Rep. Ward explained the amendment and yielded to questions.

Amendment adopted.

Referred to Appropriations.

HB 689-FN, relative to the regulation of auctioneers. Inexpedient to Legislate. This bill would eliminate the Board of Auctioneers, which the Committee felt would be inappropriate at this time. Vote 18-0. Rep. Dean Dexter for Executive Departments and Administration.

Rep. Allgeyer moved that the words, Refer for Interim Study, be substituted for the Committee report, Inexpedient to Legislate, and spoke to his motion.

Rep. Dexter yielded to questions.

Rep. Guay spoke against the motion.

Rep. Ward spoke in favor of the motion and yielded to questions.

Rep. Guay abstained from voting under Rule 16.

Motion adopted.

Referred for Interim Study.

Rep. Barber notified the Clerk that he wished to be recorded against HB 689.

HB 744-FN, establishing a department of corrections. Ought to Pass with Amendment. This bill establishes a Department of Corrections to be headed by a commissioner appointed by the Governor, with consent by the Council, which would combine state correctional facilities and functions under one department in keeping with recently established legislative policy. Administratively attached to the department are the Youth Development Center and separate adult and juvenile parole boards. Vote 20-0. Rep. Dean Dexter for Executive Departments and Administration.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 21-F the following new chapter:

#### CHAPTER 21-G DEPARTMENT OF CORRECTIONS

21-G:1 Purpose. The purpose of this chapter is to improve the administration of state government by consolidating and providing unified direction of policies, procedures and programs in the field of corrections. It is the intent of the general court that this consolidation lead to improved integration of state corrections programs and increased efficiency and effectiveness in the administration of these programs. It is also the intent of the general court that the department of corrections provide for consistency and continuity in the collection, retention and analysis of management information and records and reduction in the administrative and operating costs of corrections agencies.

21-G:2 Definitions. As used in this chapter, the following words shall have the following meanings:

I. "Adult" means any person 18 years of age or older or any person under the age of 18 who has been certified as an adult pursuant to RSA 169-B:24.

II. "Commissioner" means the individual in charge of the operations of the department of corrections, who is directly responsible to the governor.

III. "Correctional facility," "facility," or "institution" means any building, enclosure, space, or structure used for the confinement of persons committed to the custody of the

commissioner, or for any other matter related to such confinement.

IV. "Delinquent" or "delinquent child" means a person who has committed an offense before reaching the age of 18 years which would be a felony or misdemeanor under the criminal code of this state if committed by an adult.

V. "Department" means the department of corrections.

VI. "Division" means a principal unit within the department, which is directly responsible to the commissioner.

VII. "Inmate" means any adult committed by law to the custody of the commissioner.

VIII. "Offender" means any adult person convicted of a crime or offense under the laws of this state.

#### 21-G:3 Establishment; General Functions.

I. There is hereby established a department of corrections, an agency of the state.

II. The department of corrections, through its officials, shall be responsible for:

(a) Providing for, maintaining and administering such state correctional facilities and programs as may be required for the custody, safekeeping, control, correctional treatment and rehabilitation of inmates.

(b) Supervising persons placed on probation and persons released on parole and administering probation and parole services.

(c) Acting in an advisory capacity in assisting law enforcement agencies and communities in the prevention of crime and delinquency.

#### 21-G:4 Internal Organizational Units.

The department shall include the following internal organizational units performing the following major functions:

I. The division of administration, under the supervision of a director of administration, who shall, in accordance with applicable laws:

(a) Be responsible to provide for:

(1) accounting, purchasing and budget control;  
(2) personnel management;  
(3) property, contracts and grant management;

(4) data processing;  
(5) assistance to the commissioner with short and long range department level planning activities; and  
(6) centralized records retention.

(b) Exercise, subject to the supervision of the commissioner, superior authority over the directors of the other divisions of the department relative to areas of responsibility specified in this paragraph.

II. The division of field services, under the supervision of a director of field services, who shall be responsible for supervising adults placed on probation and inmates placed on parole.

III. The division of adult services, under the supervision of a director of adult services, who shall be

responsible for the following functions, in accordance with applicable laws:

(a) The operation of the state prison and any other state adult detention facilities assigned to the department.

(b) The operation of adult correctional community residential care facilities.

#### 21-G:5 Internal Structure.

I. For its internal structure the department shall adhere to the following standard terms:

(a) The principal unit of the department shall be the division, and each division shall be headed by a director.

(b) The principal unit of the division shall be the bureau, and each bureau shall be headed by an administrator.

(c) The principal unit of the bureau shall be the section, and each section shall be headed by a supervisor.

(d) If further subdivision is necessary, a section may be divided into units known as subsections, and each subsection shall be headed by a chief.

II. Whenever the commissioner determines that the administration of the functions of the department may be more efficiently performed by eliminating, merging, or consolidating existing statutory internal units, or by establishing a new division, he shall present a plan to the general court for its consideration.

#### 21-G:6 Commissioner and Division Directors; Appointment; Term.

I. The commissioner of the department shall be appointed by the governor, with the consent of the council, and shall serve at the pleasure of the governor.

II. The commissioner shall nominate for appointment by the governor, with the consent of the council, each division director.

(a) All division directors, with the exception of the director of adult services, shall serve at the pleasure of the governor.

(b) The director of adult services, who shall also have the title of warden of the state prison, shall serve for a term of 4 years.

#### 21-G:7 Qualifications and Compensation of Certain Officials.

I. The commissioner of the department shall be qualified to hold that position by reason of education and experience.

II. The directors of all divisions of the department shall be qualified to hold their respective positions by reason of education and experience.

III. The salaries of the commissioner and the division directors of the department shall be as specified in RSA 94:1-a.

21-G:8 Powers and Duties of Commissioner. The commissioner shall be the chief administrative officer of the department and shall have the following powers and duties:

I. The commissioner shall manage all operations of the department and administer and enforce the laws with which

he or the department is charged. He shall report directly to the governor.

II. To perform his duties, the commissioner shall have every power enumerated in the laws, whether granted to the commissioner, the department or any administrative unit of the department. In accordance with these provisions, the commissioner shall:

(a) Biennially compile a comprehensive program budget which reflects all fiscal matters related to the operation of the department and each program and activity of the department.

(b) Adopt all rules of the department, pursuant to RSA 541-A, whether the rulemaking authority delegated by the legislature is granted to the commissioner, the department or any administrative unit or subordinate official of the department either by this chapter or by existing statutes.

(c) Exercise general supervisory and appointing authority over all department employees, subject to applicable personnel statutes and rules.

(d) Delegate authority to subordinates as he deems necessary and appropriate, except that rulemaking authority shall not be delegated. The commissioner shall provide by delegation for a division director to exercise authority in his absence. All such delegations shall be made in writing, shall be disseminated to all division directors, shall clearly delineate the authority delegated and the limitations thereto, and shall be kept on file in the commissioner's office.

(e) Adopt practices which will improve the efficiency of the department and the provision of services to the citizens of the state.

(f) Provide cooperation, at the request of the heads of administratively attached agencies in order to:

(1) Minimize or eliminate duplication of services and jurisdictional conflicts;

(2) Coordinate activities and resolve problems of mutual concern; and

(3) Resolve by agreement the manner and extent to which the department shall provide budgeting, recordkeeping and related clerical assistance to administratively attached agencies.

(g) Whenever possible, enter into cooperative agreements with the superintendent of the youth development center to share administrative and support services in order to maximize efficient use of state resources while assuring effective operation of their respective agencies.

(h) Give bond, and require division directors to give bond, to the state as specified in RSA 93-B.

(i) Where functions of departments overlap or a function assigned to one department could better be performed by another department, recommend appropriate legislation to the next regular session of the general court.

III. The commissioner shall adopt such reasonable internal practices and procedures, which shall not be considered

rules subject to the provisions of RSA 541-A, as may be necessary to carry out the duties of the department and its divisions, consistent with this chapter. These procedures shall include at least the following elements:

(a) A comprehensive manual of procedures for the operation of the state prison and other adult correctional facilities of the department, including provisions for the humane treatment of inmates.

(b) A classification system for evaluating probationers and parolees to establish the appropriate level of supervision.

(c) Criteria used to determine when probationers will be reported to the court for violations of probation or when parolees shall be reported to the parole board for violation of the conditions of parole.

(d) A policy on notification of law enforcement agencies for parolees who abscond from supervision.

(e) Criteria for determining when a parolee who has absconded to another state shall be returned to this state.

IV. The commissioner may not accept, on behalf of the department, any grants of money without first obtaining the express consent of the legislative fiscal committee established by RSA 14:30-a.

V. The commissioner shall have the authority to adopt rules, pursuant to RSA 541-A, necessary to assure the continuation or granting of federal funds or other assistance not otherwise provided for by law.

VI. The commissioner may enter into contracts with the state's counties, the governments of other states, and the federal government, and appropriate private agencies or facilities and make proper and necessary arrangements with them for the transfer and reception of inmates.

VII. The commissioner may order the assignment and transfer of persons committed to his custody to correctional facilities of the department or facilities under contract with the department.

VIII. The commissioner shall, in accordance with state personnel rules and the appropriation made therefor, appoint probation-parole officers. Such officers shall be classified employees and shall have all the duties, powers and responsibilities conferred by law on state probation officers and assistant state parole officers. Probation-parole officers who complete a course of training prescribed by the commissioner after consultation with the police standards and training council, shall have the authority to:

(a) Enforce the criminal laws, including the power of arrest; provided that this authority shall be limited to times when such officers:

(1) are transporting a probationer or parolee;

(2) are attempting to apprehend a parolee under a warrant issued by the parole board or are attempting to apprehend a probationer under a court order.

(b) Carry firearms, subject to written procedures adopted by the commissioner, provided that the individual

has completed proper training by the police standards and training council.

This authority shall not place probation-parole officers in group II of the New Hampshire retirement system established in RSA 100-A.

IX. The commissioner shall report biennially to the governor and council and to the general court with respect to the department's operation for the preceding 2 years, and render such other reports as the governor and council or the general court shall from time to time request.

X. The commissioner shall develop, publish, and periodically revise a comprehensive plan for the state's correctional system which shall indicate, among other things, the department's goals, objectives, resources, current conditions, and needs. The commissioner shall cooperate with the superintendent of the youth development center in preparing the juvenile section of the plan required by RSA 621:12, III. The commissioner shall adopt the juvenile section submitted by the superintendent without revision.

XI. The commissioner and the superintendent of the youth development center shall jointly establish procedures for sharing data, at least in the aggregate, on delinquents and offenders for purposes of correctional planning and needs assessments. These procedures shall not be considered rules subject to RSA 541-A and shall be established so as to insure compliance with state and federal confidentiality and privacy laws.

XII. If this section conflicts with other powers and duties specifically granted by statute to the commissioner, the specific powers and duties shall control. If this section conflicts with other statutes specifically limiting the powers of the commissioner, the specific limitations shall control.

21-G:9 Site Visits by Commissioner. To ensure that the programs of the department operate efficiently and effectively, and that persons committed to his custody are treated humanely, the commissioner shall frequently visit the institutions, units and field offices of the department. At least one such visit each year shall be unannounced.

#### 21-G:10 Commitment of Adults.

I. All offenders committed by a court for a period of incarceration of more than one year shall be committed to the custody of the commissioner. The commissioner shall assign a newly committed inmate to an appropriate correctional facility.

II. The sentence of imprisonment of any adult committed to the custody of the commissioner shall begin to run from the date on which the person is received at a correctional facility, except that if such a person is committed to a detention facility to await transportation to the appropriate correctional facility his sentence shall begin to run from the date on which he is received at that detention facility.

21-G:11 Female Inmates. Females committed to the custody of the commissioner shall be housed in appropriate institutions

or quarters which shall be separate from those for males.

#### 21-G:12 Transfer of Inmates.

I. The commissioner may transfer any inmate, provided that whenever a transfer involves a county facility, a contract specifying the conditions of that transfer shall have been executed in advance.

II. A transfer may be made whenever the commissioner determines that an inmate cannot be properly or safely kept at the correctional facility at which he is confined or that such transfer is in the best public interest or furthers legitimate penological objectives. When any transfer involves a county facility, the commissioner of corrections shall obtain the approval of the appropriate county correctional administrator before making such a transfer.

21-G:13 Rulemaking. The commissioner shall adopt rules, pursuant to RSA 541-A, relative to:

I. Standards for the management, and operation, of all state correctional facilities.

II. The administration of the institutions and other facilities under his control.

III. Standards for the management and operation of rehabilitation related programs, including, but not limited to:

- (a) Classification;
- (b) Diagnosis;
- (c) Education;
- (d) Casework;
- (e) Counseling;
- (f) Therapy;
- (g) Vocational training;
- (h) Guidance;
- (i) Work, including the terms and conditions of work release; and
- (j) Library.

IV. Standards for health and medical services provided at correctional facilities.

V. Payment and collection of all fees for which the department is responsible.

VI. The activities of visitors to all institutions and facilities of the department.

21-G:14 Behavior of Inmates. The commissioner shall establish written standards regarding the behavior and responsibilities of inmates. These standards shall be made available to all such inmates and shall be considered public records. These standards shall not be considered rules subject to the provisions of RSA 541-A.

21-G:15 Severability. This chapter shall be construed in all respects so as to meet all constitutional requirements. If any provision or clause of this chapter, or the application thereof to any person or circumstances, is held invalid, such invalidity shall not affect other provisions or applications of this chapter, and to that end, the provisions of this chapter shall be separable from all other sections hereof and the nullification of any section from this chapter shall have no effect on the remaining sections of this chapter.

Amend the bill by striking out sections 3-6 and inserting in place thereof the following:



3 Transfer and Termination of Unclassified Positions. The positions of warden and deputy warden of the state prison, director of probation and state parole officer are hereby terminated and all powers, duties, and functions of said positions are hereby transferred to and vested in the commissioner of corrections. The tenure of incumbents in these positions shall terminate on the effective date of this act.

#### 4 References.

I. With respect to the functions, powers, and duties hereby transferred under this act to the department of corrections, whenever in any law, rule, judicial, or administrative proceeding or otherwise, reference is made to the state prison, probation department, or parole officer or staff, the same shall mean and refer to the department of corrections.

II. With respect to the functions, powers and duties hereby transferred to the commissioner of corrections under this act, whenever in any law, rule, judicial or administrative proceeding or otherwise, reference is made to the state prison board of trustees, the youth development center board of trustees, the state board of probation, or the state board of parole, except as noted otherwise in this act, the same shall mean and refer to the commissioner of corrections.

III. The director of legislative services is hereby authorized, with the approval of the speaker of the house and the president of the senate, to make changes in the printed version of all laws and rules as provided in paragraphs I and II, provided that no substantive changes may thereby be made.

5 Transfer of Prison. The facilities of the state prison and its satellite facilities are hereby transferred to the control of the department of corrections. Any state facilities established or acquired for any purpose similar to the above institutions and agencies shall be assigned to, maintained and operated by the department of corrections.

6 Transfer of Functions, Powers, and Duties. All functions, powers and duties of the probation department, the parole department, and the state prison are hereby transferred to the department of corrections, except as specified elsewhere in this act.

Amend the bill by striking out section 16 and inserting in place thereof the following:

16 Salaries. Amend RSA 94:1-a, I (supp) as inserted by 1975, 505:28 as amended as follows:

I. In Group K by striking out "Parole officer" and inserting in place thereof the following (Director of administration, department of corrections).

II. In Group M by striking out:

(a) "Deputy warden, state prison"; and

(b) "Director of probation".

III. In Group N by inserting:

(a) "Director, adult services"; and

(b) "Director, field services".

IV. In Group P by inserting "Commissioner, corrections".

Amend the bill by striking out sections 20 and 21 and inserting in place thereof the following:

20 New Chapter. Amend RSA by inserting after chapter 621 the following new chapter:

#### CHAPTER 621-A PAROLE OF DELINQUENTS

621-A:1 Purpose of Juvenile Parole. It is the intent of the legislature that the juvenile parole system provide a means of rehabilitating delinquents who have been committed to the custody of the superintendent of the youth development center without continued incarceration. It is also the intent of the legislature that the juvenile parole board and the youth development center, when administering this system, demonstrate recognition of the need to protect the public from criminal acts by juvenile parolees.

621-A:2 Definitions. As used in this chapter, the following words shall have the following meanings:

I. "Administrative release to parole" means an administrative procedure to provide a period of community adjustment before parole status is granted subject to approval of juvenile parole board at its next regular meeting.

II. "Board" means the juvenile parole board.

III. "Center" means the youth development center.

IV. "Delinquent" means any person under 18 years of age who has been adjudicated delinquent by a district or superior court and committed to the custody of the superintendent.

V. "Detention" means the care of a minor in a physically restricted facility while awaiting further action by a court.

VI. "Parole" means a conditional release from the custody of the superintendent which allows a delinquent to serve the remainder of his commitment outside of the center, contingent upon compliance with the terms and conditions of parole as established by the juvenile parole board.

VII. "Superintendent" means the superintendent of the youth development center.

621-A:3 Juvenile Parole Board. There shall be a juvenile parole board with 3 members. The members of the board shall be appointed by the governor with the consent of the council for staggered terms of 5 years or until their successors are appointed. A vacancy on the board shall be filled for the unexpired term. No member shall serve more than 2 consecutive terms. The governor shall designate one member as chairman, and the chairman shall designate one other member to serve as chairman in his absence. Board members shall be paid \$50 a day while engaged in official business. At least 2 members of the board shall be present at all meetings. The board shall



hold at least 12 parole hearings each year and may hold more hearings as necessary.

621-A:4 Duties, Juvenile Parole Board. The juvenile parole board shall:

I. Be responsible for paroling delinquents from facilities under the supervision of the superintendent, subject to the applicable provisions of this chapter;

II. Have legal custody of all delinquents released on parole until they receive their discharge or are recommitted to the custody of the superintendent;

III. Adopt rules, pursuant to RSA 541-A, relative to:

(a) The parole process, including the conduct of parole hearings;

(b) Criteria used to evaluate prospective parolees;

(c) Conditions for the conduct of parolees;

(d) Procedures for revocation of parole; and

(e) Conditions under which the center may return a parolee to a detention facility pending action by the board.

621-A:5 Administrative Release. The superintendent, if he determines it is in the best interests of a delinquent and the public, may place a delinquent in his custody on administrative release. Such an administrative release shall be in effect for no longer than 30 days.

621-A:6 Eligibility for Release.

I. The board may parole a delinquent, if:

(a) The superintendent has determined that parole is in the best interest of the delinquent and the public and that further incarceration will be of no benefit; and

(b) It shall appear to the board that there is a reasonable probability that the delinquent will remain at liberty without violating the law and will conduct himself as a good citizen.

II. No delinquent detained at a juvenile correctional facility under RSA 169-B shall be subject to the provisions of this chapter regarding parole.

621-A:7 Juvenile Parole Records. The board shall have access to all juvenile parole records of the center. The board shall review the records of the center for each offender in its custody at least once every 36 months.

621-A:8 Return to Detention Facility. When the superintendent determines that circumstances exist which justify returning a paroled delinquent to a detention facility, the superintendent may, subject to the conditions established by the board under RSA 621-A:4, III(e), return a paroled delinquent to such a facility. In all such cases the superintendent shall notify the board of his action within 72 hours.

621-A:9 Report Required.

I. The center may report any delinquent who violates the conditions of his parole to the parole board. However, the center shall, within 30 days of official knowledge of such an occurrence, submit a report on any parolee who:

(a) Is arrested for any felony or misdemeanor offense;

(b) Is convicted of any offense;

(c) Absconds from supervision for a period of 30 days or more;

(d) Commits 3 or more parole violations of any type within a 12 month period.

II. This report shall include information on the circumstances of the alleged violation as well as a recommendation as to whether parole should be revoked.

621-A:10 Parole Revocation. Any delinquent returned to a detention facility under the provisions of RSA 621-A:8 shall be entitled to a hearing before the board within 30 days. The parolee shall have the right to appear and be heard at this hearing. If the board, after a hearing, finds that the parolee has violated the conditions of parole or violated the law and in their judgment should be recommitted to the custody of the superintendent, the board shall revoke his parole. An offender whose parole is revoked shall be recommitted to the custody of the superintendent.

621-A:11 Effect of Recommitment. Any delinquent whose parole is revoked shall be returned to the custody of the superintendent. The offender may at any time prior to his eighteenth birthday be paroled again. If not paroled, a delinquent shall remain in custody until his eighteenth birthday.

621-A:12 Early Discharge. A delinquent on parole may be discharged by the board whenever it finds discharge to be in the best interest of the juvenile and of the state. Every discharge shall be in writing and shall be a full release from all penalties and disabilities created by the commitment.

621-A:13 Administrative Attachment. The juvenile parole board shall be administratively attached to the center. The center shall provide budgeting, recordkeeping and related clerical assistance to the board. The superintendent shall have no administrative or supervisory authority over the board or its activities.

21 Initial Appointments. Of the initial appointments to the juvenile parole board established in section 20 of this act, one member shall be appointed to a 2 year term, one member shall be appointed to a 3 year term, and one member shall be appointed to a full 5 year term. Subsequent appointments shall be for full terms. The governor shall determine which initial appointments shall be for less than full terms.

Amend the bill by striking out section 26 and inserting in place thereof the following:

26 Transition. The governor, with the consent of the council, shall appoint the commissioner of corrections and the superintendent of the youth development center before August 1, 1983. The transfers required by this act shall be completed by February 1, 1984. The governor may draw his warrant upon funds not otherwise appropriated to cover reasonable expenses

associated with the transition, including reimbursement of the commissioner-designate and the superintendent-designate.

Amend the bill by striking out all after section 27 and inserting in place thereof the following:

28 Administrative Attachment. Amend RSA 621:4 (supp) as amended by striking out said section and inserting in place thereof the following:

621:4 Administrative Attachment.

I. The youth development center shall be administratively attached to the department of corrections established by RSA 21-G.

II. The youth development center shall:

(a) Exercise its powers, duties, functions and responsibilities independently of the department of corrections and without approval or control of the department of corrections, except as otherwise specifically provided by law;

(b) Submit the budget requests required by RSA 9 through the department of corrections; and

(c) Submit reports required of it by law or by the governor through the department of corrections.

III. The youth development center shall receive budgeting, recordkeeping and related clerical and administrative assistance from the department of corrections, if mutually agreed to in writing, provided that the youth development center shall pay the department of corrections for its services on a cost allocation basis.

IV. The superintendent of the youth development center shall enter whenever possible into cooperative agreements with the commissioner of the department of corrections to share administrative and support services in order to maximize efficient use of state resources while assuring effective operation of their respective agencies.

29 Advisory Committee. Amend RSA 621:5 (supp) as amended by striking out said section and inserting in place thereof the following:

621:5 Advisory Committee.

1. There is hereby established an advisory committee to the youth development center which shall consist of 11 members appointed by the governor with the consent of the council. One member shall be appointed from each of the 10 counties of the state, and one member shall be a district court judge or a retired district court judge. No elected official shall be appointed to the committee while holding elected office. The governor shall designate one member to serve as chairman.

II. The members of the advisory committee shall serve for a term of 2 years, and shall not serve more than 2 consecutive terms. Of the original appointments, 6 shall serve a term of 2 years and 5 shall serve a term of 1 year. The members shall receive no compensation but shall be paid mileage at the state employee rate within the limits of the appropriations to the youth development center.

III. The advisory committee shall advise the superintendent on all matters related to the operations of the center. They shall interest themselves in helping to assure that individual children are provided with a wholesome physical and emotional setting in order to assure that children detained at the center are assisted to successfully return to society. A free flow and exchange of the spectrum of ideas in youth rehabilitation shall be the goal of the committee.

IV. The advisory committee shall meet at such times as it deems necessary.

30 Care of Children. Amend RSA 621:9 (supp) as amended by striking out said section and inserting in place thereof the following:

621:9 Care of Children. The superintendent shall ensure that juveniles sent to the center are properly accounted for and are provided with those services to which they are entitled by law.

31 Superintendent; Deputy Superintendent; Duties. Amend RSA 621:11, 621:12 and 621:13 (supp) as amended by striking out said sections and inserting in place thereof the following:

621:11 Superintendent. The governor shall appoint a superintendent of the youth development center, with the consent of the council, who shall serve at the pleasure of the governor.

621:12 Powers and Duties of Superintendent. The superintendent shall be the chief administrative officer of the youth development center and shall have the following powers and duties:

I. The superintendent shall manage all operations of the center and administer and enforce the laws with which he or she department is charged. He shall report directly to the governor.

II. To perform his duties, the superintendent shall have every power enumerated in the laws, whether granted to the superintendent or the center. In accordance with these provisions, the superintendent shall:

(a) Biennially compile a comprehensive program budget which reflects all fiscal matters related to the operation of the center and each program and activity of the center.

(b) Adopt all rules of the center pursuant to RSA 541-A.

(c) Exercise general supervisory and appointing authority over all center employees, subject to applicable personnel statutes and rules. The superintendent shall appoint juvenile parole officers who shall, under his direction, assist the juvenile parole board established by RSA 621-A to carry out its duties of supervision of delinquents.

(d) Delegate authority to subordinates as he deems necessary and appropriate, except that rulemaking authority shall not be delegated. All such delegations shall be made in writing and shall clearly delineate the authority delegated and the limitations thereto, and shall be kept on file in the superintendent's office.

(e) Adopt practices which will improve the efficiency of the center.

III. The superintendent shall develop and periodically revise a juvenile section of the comprehensive plan for the state's correctional system required by RSA 21-G:8, X, which shall contain the elements required by law to be addressed in that plan. The superintendent shall cooperate with the commissioner of corrections to assure periodic revision and publication of this plan. The juvenile section shall be fully integrated into the overall plan provided for by RSA 21-G:8, X, but the superintendent shall be solely responsible for its contents.

IV. The superintendent shall keep suitable books, regular and complete accounts of all receipts and expenditures, and of the debts, credits, contracts and property of the center, showing its income and expenses, and shall account to the governor and council and the legislative fiscal committee as they may require for all money received and paid out. Such accounts shall be specific and contain the dates and amounts of all receipts, and the date, quantity and price of every article purchased or procured. There is specifically excepted from the foregoing such accounts and accountability as the department of administration and control, or its successor agency, otherwise requires.

V. The superintendent shall establish the internal organization of the center to effect the maximum in economy and efficiency.

VI. The superintendent shall have custody of all delinquents and other juveniles committed by a court to the center or any other state juvenile correctional facilities. He shall provide maintenance to those children detained at the center awaiting further court action. He may designate employees of the center, including juvenile parole officers, to exercise custody and charge of children under his care as he shall direct.

VII. The superintendent shall insure that there is an effective program of pre-release planning for each delinquent committed to the center. Such planning shall begin immediately upon commitment of a delinquent.

VIII. The superintendent shall adopt such reasonable internal practices and procedures, which shall not be considered rules subject to the provisions of RSA 541-A, as may be necessary to carry out the duties of the center consistent with this chapter. These procedures shall include at least the following elements:

(a) A comprehensive manual of procedures for the operation of the youth development center and any other state juvenile correctional facilities, including provisions for the humane treatment of delinquents and other juveniles committed to the custody of the superintendent; and

(b) Written standards regarding the behavior and responsibilities of delinquents and other juveniles committed to his custody. These standards shall be made available to all delinquents and other juveniles in his custody and shall be considered public records.

621:13 Deputy Superintendent. The superintendent shall nominate a deputy

superintendent, who shall be appointed by the governor, with the consent of the council, and who shall serve at the pleasure of the superintendent. He shall perform duties as specified by the superintendent and shall exercise the authority of the superintendent in his absence.

32 Records. Amend RSA 621:15 (supp) as amended by striking out said section and inserting in place thereof the following:

621:15 Records of Children Committed or Detained.

I. The superintendent shall cause accurate records to be kept which shall contain, as a minimum, the child's name, address, age, parents' or guardians' names and addresses, commitment documents, and such other data as may be appropriate. The superintendent shall issue directives to ensure compliance with state and federal privacy laws and regulations.

II. The superintendent and the commissioner of corrections shall jointly establish procedures for sharing data, at least in the aggregate, on delinquents and offenders for purposes of correctional planning and needs assessments. These procedures shall not be considered rules subject to RSA 541-A and shall be established so as to insure compliance with state and federal confidentiality and privacy laws.

33 Detention. Amend RSA 621:18 (supp) as amended by striking out said section and inserting in place thereof the following:

621:18 Detention. Children detained at the center under RSA 169-B shall be subject to the transfer provided for incorrigibles until the court disposes of their cases.

34 Rulemaking. Amend RSA 621:35 (supp) as inserted by 1981, 539:3 as by striking out said section and inserting in place thereof the following:

621:35 Rulemaking Authority. The superintendent shall adopt rules, pursuant to RSA 541-A, relative to:

I. The administration of the center and other facilities under his control.

II. Standards for the management and operation of rehabilitation related programs, including, but not limited to:

- (a) Classification;
- (b) Diagnosis;
- (c) Education;
- (d) Casework;
- (e) Counseling;
- (f) Therapy;
- (g) Vocational training;
- (h) Guidance;
- (i) Work, including the terms and conditions of work release; and
- (j) Library.

III. Standards for health and medical services provided at the center and other facilities under his control.

V. Payment and collection of all fees for which the center is responsible.

VI. The activities of visitors to the center and other facilities under his control.

35 References to Board of Trustees. Amend the following sections and paragraphs of sections of RSA 621 by striking out in them the words "board of trustees" or "trustees" and inserting in place thereof

the following (superintendent): RSA 621:3, 1: RSA 621:7; RSA 621:16; RSA 621:17; RSA 621:19; RSA 621:20; RSA 621:22; RSA 621:23; RSA 621:24; RSA 621:25; RSA 621:26; RSA 621:27; and RSA 621:28.

36 Executive Authority. Amend RSA 10:1 (supp) as amended by striking out said section and inserting in place thereof the following:

10:1 Governor and Council. The ultimate executive authority over the New Hampshire hospital, formerly the state hospital; the Laconia state school and training center, formerly the Laconia state school; and the Glencliff home for the elderly, formerly the state sanatorium, including all real and personal estate used in connection therewith, the purchase of materials and supplies for said institutions and the departments of state, as hereinafter provided, is vested in the governor and council.

37 Reference to Acquisition and Disposal of Realty. Amend RSA 10:4 (supp) as amended by striking out said section and inserting in place thereof the following:

10:4 Acquisition and Disposal of Real Estate for Institutions. Upon request of the director of the division of mental health and developmental services or the director of the division of public health services, the governor and council may buy, sell, or exchange institutional lands for any of the institutions named in RSA 10:1 over which the requester has jurisdiction and, at the request of any of the above or that of the trustees of the New Hampshire college of agriculture and the mechanic arts, may institute proceedings for the taking of land for institutional purposes by eminent domain; and the procedure for that purpose shall be the same and the value of the land shall be determined as in cases of land taken for highways upon petition to the superior court. On the payment of the value as finally determined, the title to the land so taken shall vest in the state.

38 Report Required. The commissioner of the department of corrections and the superintendent of the youth development center shall report to the general court by July 1, 1986, regarding the desirability of making the youth development center a division of youth services in the department of corrections. The report shall contain recommendations regarding the implementation of such a change.

### 39 Oversight of Implementation.

I. The commissioner of corrections appointed under the provisions of this act shall prepare a workable transition plan for implementing the provisions of this act. This implementation plan shall include detailed provisions for the consolidation of the agencies, the powers, duties and functions of which are transferred by this act, including provisions for the transfer and utilization of positions, personnel, funds, property, office space, facilities and equipment and such other details as are necessary to effectuate the purposes of this act. This plan shall be completed not later than 4 months after the appointment of the commissioner of corrections.

II. There shall be a joint committee of the general court to oversee

the implementation of this act. The committee shall consist of 10 members, 5 of whom shall be representatives, 3 appointed by the speaker of the house, at least one of whom shall be a member of the house executive departments and administration committee, and 2 appointed by the house minority leader, at least one of whom shall be a member of the house executive departments and administration committee, and 5 of whom shall be senators, 3 appointed by the president of the senate, at least one of whom shall be a member of the senate executive departments committee, and 2 appointed by the senate minority leader, at least one of whom shall be a member of the senate executive departments committee. The members shall be appointed for their term of office, provided that all members shall be eligible for reappointment so long as they are qualified under the provisions of this section. Members shall be appointed no later than December 30 of the year of their election to the general court, except that vacancies shall be filled for the unexpired term within 30 days of the creation of said vacancy, and the initial appointments under this chapter shall be made within 30 days of the effective date of this chapter. The members shall choose a chairman from their number. The committee shall be dissolved upon the effective date of the approved implementation plan provided for by paragraph III of this section.

III. Completed implementation plans shall be submitted to the joint committee established by this section. The joint committee shall approve or disapprove such plans within 14 days of receiving them.

(a) Any such plan disapproved by the joint committee shall be returned to the commissioner of corrections for further refinement.

(b) Any such plan approved by the joint committee shall become effective on such date as shall be approved by the governor and the joint committee, which date shall in no case be later than 6 months after the date of appointment of the commissioner of corrections.

(c) If the commissioner of corrections fails to submit an implementation plan which meets with the approval of the joint committee prior to the date specified in subparagraph (b), the joint committee shall prepare the implementation plan for the department of corrections. This plan shall take effect not later than 3 months after the date specified in subparagraph (b) as determined by the joint committee.

IV. During the preparation of the implementation plan the commissioner of corrections shall ensure that the joint committee is kept apprised of his progress and the joint committee shall have the power to require the commissioner to meet with it as it deems necessary.

40 Repeal. The following are hereby repealed:

I. RSA 621:7, relative to bylaws of the board of trustees of the youth development center.

II. RSA 10:2 and 10:3, relative to the board of trustees for the youth development center and the state prison.



III. RSA 651:37 through 651:56, relative to parole.

41 Effective Date.

I. Sections 22, 26 and 39 of this act shall take effect 60 days after its passage.

II. Sections 1-21, 23-25 and 27-38, and 40 of this act shall take effect October 1, 1983.

Amendment adopted.

Ordered to third reading.

HB 788-FN, regulating aestheticians.

Inexpedient to Legislate.

The Committee believes that no clear need was established for enacting this legislation at this time. Vote 18-0.

Rep. V. Michael Hutchings for Executive Departments and Administration.

Resolution adopted.

HB 487, prohibiting the drinking of alcoholic beverages by a person driving a vehicle upon any way. Inexpedient to Legislate.

The Committee considered the subject matter of this bill and did not feel it should be part of the DWI package. This bill would be impossible to enforce and it was not clear that this could be an effective tool in fighting DWI. Vote 15-0. Rep. Kendall W. Lane for Judiciary.

Rep. Demers moved that the words, Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate, and spoke to his motion.

Rep. Daniel Eaton spoke against the motion and yielded to questions.

Rep. Sytek spoke against the motion. Motion lost.

Rep. Lussier moved that the words, Refer for Interim Study, be substituted for the Committee report, Inexpedient to Legislate, and spoke to his motion.

Rep. Sytek spoke against the motion. Motion lost.

Resolution adopted.

HB 747, permitting victims or their next of kin to appear and speak at sentencing and parole hearings. Ought to Pass with Amendment.

This bill provides an opportunity for the victim of a crime to be heard at parole hearings. Current law already allows victim input prior to sentencing. Vote 12-0. Rep. Beverly Hollingworth for Judiciary.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

permitting victims or their next of kin to appear and speak at parole hearings and modifying notice of parole hearing requirements.

Amend the bill by striking out section one and inserting in place thereof the following:

1 Notice of Hearings. Amend RSA 651:45-e, I and II (supp) as inserted by 1981, 216:2 by striking out said paragraphs and inserting in place thereof the following:

I. At least 15 and not more than 30 days prior to any parole hearing, the state board of parole shall twice publish, in a newspaper of general circulation within the county where the offense occurred, a notice stating the intention of the person to seek parole. Said notice shall contain the name of the applicant and the date and location of the parole hearing.

II. At least 15 and not more than 30 days prior to any parole hearing, the state board of parole shall send by first class mail to each chief of police and county attorney of the place where the offense occurred, where the person resided prior to conviction, or where the person intends to reside after release, a copy of the information described in paragraph I.

Amend RSA 651:45-e, II-a as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

II-a. At least 15 and not more than 30 days prior to any parole hearing, the state board of parole shall send a copy of the information described in paragraph I by first class mail to the victim of the person seeking parole, or to the next of kin of such victim if the victim has died, if request for such notice has been filed with the board. The victim or next of kin so requesting shall keep the board apprised of his current mailing address.

Amendment adopted.

Rep. Hollingworth offered an amendment.

#### Amendment

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Sentencing. Amend RSA 651 by inserting after section 4 the following new section:

651:4-a Victims Permitted to Speak Before Sentencing. Before a judge sentences any person for capital, first degree or second degree murder, attempted murder, aggravated felonious sexual assault, first degree assault, or negligent homicide committed in consequence of being under the influence of intoxicating liquor or controlled drugs, the victim of the offense, or the victim's next of kin if the victim has died, shall have the opportunity to address the judge. The victim or victim's next of kin may appear personally or by counsel and may reasonably express his views concerning the offense, the person responsible, and the need for restitution. The prosecutor, the person to be sentenced, and the attorney for the person to be sentenced shall have the right to be present when the victim or victim's next of kin so



addresses the judge. The judge may consider the statements of the victim or next of kin made pursuant to this section when imposing sentence.

5. Effective Date. This act shall take effect 60 days after its passage.

Hearing no objection the Chair advised the Clerk to dispense with the reading of the amendment.

Rep. Hollingworth explained the amendment.

Rep. Sytek spoke in favor of the amendment.

Amendment adopted.

Ordered to third reading.

HB 756, relative to administrative inspection warrants. Ought to Pass with Amendment.

This bill, as amended, allows certain divisions within the Department of Safety to assure the safety of New Hampshire citizens by conducting administrative safety searches. Vote 12-0. Rep. Gregory J. Ahlgren for Judiciary.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Definition of Officer. Amend RSA 595-B:1 (supp) as inserted by 1981, 533:1 by striking out said section and inserting in place thereof the following:

595-B:1 Definition. As used in this chapter:

I. "Inspection warrant" means a written order in the name of the state, signed by a justice, associate justice or special justice of any municipal, district or superior court, directed to an officer, commanding him to conduct any inspection, testing or sampling required or specifically authorized by state or local law, ordinance, or administrative rule.

II. "Officer" means any sheriff, deputy sheriff, constable, state or local police officer, fire marshal, deputy or assistant of a fire marshal, fire chief, deputy or assistant of a fire chief, fire official or health officer.

2 Reference to Official or Employee Corrected. Amend RSA 595-B:2, I (supp) as inserted by 1981, 533:1 by striking out in line 2 the words "official or employee of a state agency" and inserting in place thereof the following (officer) so that said paragraph as amended shall read as follows:

595-B:2 Requirements for Issue.

I. An inspection warrant shall be issued only upon the request of an officer and only upon a showing of probable cause supported by affidavit. The affidavit shall particularly describe the place, dwelling, structure, premises, vehicle or records to be inspected and the purpose for which the inspection is to be made. In addition, if testing or sampling is requested, the affidavit shall describe the time and manner of such testing or sampling. In all cases, the affidavit shall contain either a

statement that the consent to inspect has been sought and refused, or facts or circumstances reasonably justifying the failure to seek such consent.

3 Cross Reference. Amend RSA 595-B:2, II (supp) as inserted by 1981, 533:1 by striking out said paragraph and inserting in place thereof the following:

II. Probable cause, as required by paragraph I, shall be deemed to exist if the legislative standards established under the applicable provisions of this chapter for conducting a routine or area inspection, testing or sampling are satisfied with respect to the particular place, dwelling, structure, premises, vehicle or records, or if there is probable cause to believe that a condition of nonconformity exists with respect to the particular place, dwelling, structure, premises, vehicle or records. An inspection may be authorized for any of the purposes specified in RSA 595-B:2-a.

4 Purposes of Inspections. Amend RSA 595-B by inserting after section 2 the following new section:

595-B:2-a Purposes of Inspections. An inspection, testing or sampling may be authorized to examine the physical condition or characteristics of a particular place, dwelling, structure, premises, vehicle or records; the condition of volatile and harmful substances; the storage procedures for dangerous commodities, equipment or other objects which, if improperly stored or maintained, could cause serious harm; the packaging and storage of ammunition, firearms, explosives or other similar items; the presence of potential fire hazards; or any condition in a place, dwelling, structure, premises, vehicle or information in records which is applicable to safety code compliance.

5 Time of Inspection; Forcible Entry. Amend RSA 595-B:5 (supp) as inserted by 1981, 533:1 by striking out said section and inserting in place thereof the following:

595-B:5 Time of Inspection; Forcible Entry.

I. An inspection, testing or sampling pursuant to a warrant issued under this chapter shall not be made between 6:00 p.m. of any day and 8:00 a.m. of the succeeding day, unless specifically authorized by the person issuing such warrant upon a showing that such authority is reasonably necessary to effectuate the purpose of the law or rule being enforced, or unless the inspection, testing or sampling is to be made at a business which has normal business hours at any time between 6:00 p.m. and 8:00 a.m. In the case of a business, the inspection, testing or sampling may be made at any time during normal business hours. Before entering any premises for the purposes of conducting an investigation, an officer shall present proper credentials and request entry from the owner, the owner's agent or any person who has possession of the premises at the time the inspection is to begin.

II. An inspection pursuant to a warrant shall not be made by means of forcible entry, except that the person issuing such warrant may expressly authorize a forcible entry when facts are shown

sufficient to suggest a probable violation of a state law or rule, which, if such violation existed, would present an immediate threat to public health or safety, or when facts are shown which establish that reasonable attempts to serve a previous warrant have been unsuccessful.

Notwithstanding any law to the contrary, an officer executing an inspection warrant may be accompanied by suitable assistants, including a sheriff or his deputy, any state police officer, or any constable or police officer of any city or town.

6 Conduct of Inspection. Amend RSA 595-B:6 (supp) as inserted by 1981, 533:1 by striking out said section and inserting in place thereof the following:

595-B:6 Conduct of Inspection.

I. In carrying out inspections, an officer shall behave with proper decorum. Inspections conducted during the daylight hours shall be conducted with minimal disruption to business or private activity on the premises being investigated. Areas to be examined shall only be those described in the warrant.

II. An officer executing an inspection warrant shall give a copy of the warrant to the person owning or occupying the particular place, dwelling, structure, premises, vehicle or records which are the subject of the warrant, or, in the absence of such person, the officer shall leave a copy of the warrant at the place, dwelling, structure, premises or vehicle where the inspection is made.

7 Forms. Amend RSA 595-B by inserting after section 6 the following new section:

595-B:6-a Use of Forms; Receipt for Samples.

I. During an inspection, each officer shall utilize the appropriate forms for the inspection being conducted. In no case shall an inspection proceed without the use of a form or applicable document on which the results of the inspection are to be detailed. At the conclusion of the inspection and if required by the court authorizing the warrant, the officer shall give the owner, owner's agent or occupant a copy of the completed form or applicable document and shall advise the owner, owner's agent or occupant of the result of the inspection.

II. In addition, if an officer takes samples under an inspection warrant, he shall give to the person from whom, or from whose premises, the samples were taken a receipt for the samples taken, or shall leave the receipt at the place from which the samples were taken. The return shall be made promptly and shall be accompanied by a written inventory of any samples taken. The justice of a court of record shall attach to the warrant a copy of the return, inventory and all other papers in connection therewith and shall file them with a clerk of the court to which the warrant is returnable.

8 Application. Amend RSA 595-B:9 (supp) as inserted by 1981, 533:1 by striking out said section and inserting in place thereof the following:

595-B:9 Application Limited. This chapter shall not apply to the application for warrants by personnel within the departments of fish and game and safety,

except that this chapter shall be available to the personnel within the department of safety, division of safety services, for the purposes of carrying out the necessary duties of the office of the fire marshal and of the aerial tramway bureau, as long as such duties are not associated with the investigation or prosecution of any criminal matter.

9 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Rep. Sytek offered an amendment.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Definition of Officer. Amend RSA 595-B:1 (supp) as inserted by 1981, 533:1 by striking out said section and inserting in place thereof the following:

595-B:1 Definition. As used in this chapter:

I. "Inspection warrant" means a written order in the name of the state, signed by a justice, associate justice or special justice of any municipal, district or superior court, directed to an officer, commanding him to conduct any inspection, testing or sampling required or specifically authorized by state or local law, ordinance, or administrative rule.

II. "Officer" means any sheriff, deputy sheriff, constable, state or local police officer, fire marshal, deputy or assistant of a fire marshal, fire chief, deputy or assistant of a fire chief, fire official or health officer.

2 Reference to Official or Employee Corrected. Amend RSA 595-B:2, I (supp) as inserted by 1981, 533:1 by striking out in line 2 the words "official or employee of a state agency" and inserting in place thereof the following (officer) so that said paragraph as amended shall read as follows:

595-B:2 Requirements for Issue.

I. An inspection warrant shall be issued only upon a showing of probable cause supported by affidavit. The affidavit shall particularly describe the place, dwelling, structure, premises, vehicle or records to be inspected and the purpose for which the inspection is to be made. In addition, if testing or sampling is requested, the affidavit shall describe the time and manner of such testing or sampling. In all cases, the affidavit shall contain either a statement that the consent to inspect has been sought and refused, or facts or circumstances reasonably justifying the failure to seek such consent.

3 Cross Reference. Amend RSA 595-B:2, II (supp) as inserted by 1981, 533:1 by striking out said paragraph and inserting in place thereof the following:

II. Probable cause, as required by paragraph I, shall be deemed to exist if the legislative standards established under the applicable provisions of this chapter for conducting a routine or area inspection, testing or sampling are satisfied with respect to the particular place, dwelling,

structure, premises, vehicle or records, or if there is probable cause to believe that a condition of nonconformity exists with respect to the particular place, dwelling, structure, premises, vehicle or records. An inspection may be authorized for any of the purposes specified in RSA 595-B:2-a.

4 Purposes of Inspections. Amend RSA 595-B by inserting after section 2 the following new section:

595-B:2-a Purposes of Inspections. An inspection, testing or sampling may be authorized to examine the physical condition or characteristics of a particular place, dwelling, structure, premises, vehicle or records; the condition of volatile and harmful substances; the storage procedures for dangerous commodities, equipment or other objects which, if improperly stored or maintained, could cause serious harm; the packaging and storage of explosives or other similar items; the presence of potential fire hazards; or any condition in a place, dwelling, structure, premises, vehicle or information in records which is applicable to safety code compliance.

5 Time of Inspection; Forcible Entry. Amend RSA 595-B:5 (supp) as inserted by 1981, 533:1 by striking out said section and inserting in place thereof the following:

595-B:5 Time of Inspection; Forcible Entry.

I. An inspection, testing or sampling pursuant to a warrant issued under this chapter shall not be made between 6:00 p.m. of any day and 8:00 a.m. of the succeeding day, unless specifically authorized by the person issuing such warrant upon a showing that such authority is reasonably necessary to effectuate the purpose of the law or rule being enforced, or unless the inspection, testing or sampling is to be made at a business which has normal business hours at any time between 6:00 p.m. and 8:00 a.m. In the case of a business, the inspection, testing or sampling may be made at any time during normal business hours. Before entering any premises for the purposes of conducting an investigation, an officer shall present proper credentials and request entry from the owner, the owner's agent or any person who has possession of the premises at the time the inspection is to begin.

II. An inspection pursuant to a warrant shall not be made by means of forcible entry, except that the person issuing such warrant may expressly authorize a forcible entry when facts are shown sufficient to suggest a probable violation of a state law or rule, which, if such violation existed, would present an immediate threat to public health or safety, or when facts are shown which establish that reasonable attempts to serve a previous warrant have been unsuccessful. Notwithstanding any law to the contrary, an officer executing an inspection warrant may be accompanied by suitable assistants, including a sheriff or his deputy, any state police officer, or any constable or police officer of any city or town.

6 Conduct of Inspection. Amend RSA 595-B:6 (supp) as inserted by 1981, 533:1 by striking out said section and inserting in place thereof the following:

595-B:6 Conduct of Inspection.

I. In carrying out inspections, an officer shall behave with proper decorum. Inspections conducted during the daylight hours shall be conducted with minimal disruption to business or private activity on the premises being investigated. Areas to be examined shall give a copy of the warrant to the person owning or occupying the particular place, dwelling, structure, premises, vehicle or records which are the subject of the warrant, or, in the absence of such person, the officer shall leave a copy of the warrant at the place, dwelling, structure, premises or vehicle where the inspection is made.

7 Forms. Amend RSA 595-B by inserting after section 6 the following new section:

595-B:6-a Use of Forms; Receipt for Samples.

I. During an inspection, each officer shall utilize the appropriate forms for the inspection being conducted. In no case shall an inspection proceed without the use of a form or applicable document on which the results of the inspection are to be detailed. At the conclusion of the inspection and if required by the court authorizing the warrant, the officer shall give the owner, owner's agent or occupant a copy of the completed form or applicable document and shall advise the owner, owner's agent or occupant of the result of the inspection.

II. In addition, if an officer takes samples under an inspection warrant, he shall give to the person from whom, or from whose premises, the samples were taken a receipt for the samples taken, or shall leave the receipt at the place from which the samples were taken. The return shall be made promptly and shall be accompanied by a written inventory of any samples taken. The justice of a court of record shall attach to the warrant a copy of the return, inventory and all other papers in connection therewith and shall file them with a clerk of the court to which the warrant is returnable.

8 Application. Amend RSA 595-B:9 (supp) as inserted by 1981, 533:1 by striking out said section and inserting in place thereof the following:

595-B:9 Application Limited. This chapter shall not apply to the application for warrants by personnel within the departments of fish and game and safety, except that this chapter shall be available to the personnel within the department of safety, division of safety services, for the purposes of carrying out the necessary duties of the office of the fire marshal and of the aerial tramway bureau, as long as such duties are not associated with the investigation or prosecution of any criminal matter.

9 Effective Date. This act shall take effect 60 days after its passage.

Hearing no objection the Chair advised the Clerk to dispense with the reading of the amendment.

Rep. Sytek explained the amendment. Amendment adopted.

Ordered to third reading.

HB 760, providing for the awarding of expenses, interest and attorneys' fees in certain civil actions. Inexpedient to Legislate.

HB 760 is already covered under the rules of the court. Vote 11-3. Rep. Daniel A. Eaton for Judiciary.

Resolution adopted.

HB 341-FN, consolidating the office space study committee with the capital planning committee. Ought to Pass.

The Committee feels the consolidating of these committees will save time because most members serve on both committees. Vote 13-1. Rep. Beverly A. Gage for Legislative Administration.

Rep. Demers offered an amendment.

Amendment

Amend RSA 17-1:1 as inserted by section 4 of the bill by striking out same and inserting in place thereof the following:

17-1:1 Committee Established. There is hereby established a committee to be known as the long range capital planning and utilization committee. The committee shall consist of one member designated by the governor, 4 members of the senate appointed by the president, not more than 3 of whom shall be of the same party, and 4 members of the house of representatives appointed by the speaker, not more than 3 of whom shall be of the same party. The comptroller or his designee, and the commissioner of public works or his designee shall be advisory members, without a vote. The legislative members shall serve for the balance of their elected terms and the representative of the governor shall serve for the balance of the term of the governor. The committee shall choose a chairman, vice-chairman and clerk from among its members. The members shall receive no compensation for their services, but the legislative members shall receive legislative mileage while on official business. Each member shall be reimbursed for his expenses incurred on official business.

Rep. Demers explained the amendment.

Amendment adopted.

Ordered to third reading.

HB 733-FN, limiting rafting of boats, regulating distance between stationary boats, and expanding enforcement. Ought to Pass with Amendment.

Based upon the overwhelming support for HB 733, the Committee endorses the concept. For a number of years, Safety Services has had the authority to adopt rules concerning the problem, but has chosen to do little or nothing about it. Vote 13-5. Rep. Howard C. Dickinson for Resources, Recreation and Development.

Amendment

Amend RSA 270:45, I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. Boats anchored or moored at marinas or yacht clubs or at private docks with the owners permission;

Amend RSA 270:46, II as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

II. Whenever a law enforcement officer has probable cause to believe that, not less than one hour nor more than 24 hours after a person has been requested to move as provided in paragraph 1, arrested or issued a summons for a violation of this subdivision, such person is again or still violating the provisions of this subdivision, such officer may arrest or issue a summons to such person without first requesting such person to move the boat which he is operating or of which he is in charge.

Amend RSA 270:12-a, I(f) as inserted by section 4 of the bill by striking out same and inserting in place thereof the following:

(f) The provisions of Title LXII when:

- (1) A violation of such title occurs on an island to which access is provided only by boat; or
- (2) A violation is committed on land by persons who used a boat as their means of transportation;
- (3) No representative of any other law enforcement agency with jurisdiction is immediately available to handle a complaint of violation; or
- (4) Called upon by any other law enforcement office. If so called upon, safety service personnel shall render assistance.

Amend section 5 of the bill by striking out same and inserting in place thereof the following:

5 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Rep. Gary Dionne moved that the words, Refer for Interim Study, be substituted for the Committee report, Ought to Pass with Amendment, and spoke to his motion.

Reps. Heath and Lyons spoke against the motion.

Reps. Chisholm and Pearson spoke in favor of the motion.

Rep. Susan Lawrence spoke to the motion and yielded to questions.

Rep. Dickinson spoke against the motion and yielded to questions.

The previous question was moved.

Sufficiently seconded. Adopted.

Motion lost.

Ordered to third reading.



HB 63-FN, relative to a transfer tax on mobile homes. Ought to Pass with Amendment. The Committee amendment redefines manufactured housing and provides that it be treated as real estate, subject to the real estate transfer tax, and further provides that utility trailers are subject to motor vehicle laws. It is expected that revenue to the General Fund will be \$100,000 annually. Vote 17-0. Rep. Eliot B. Ware, Jr. for Ways and Means.

#### Amen dment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Statutory Construction. Amend RSA 21:21 by striking out said section and inserting in place thereof the following:

21:21 Land; Real Estate.

I. The words "land," "lands" or "real estate" shall include lands, tenements, and hereditaments, and all rights thereto and interests therein.

II. Manufactured housing as defined by RSA 31:118 shall be included in the term "real estate."

2 Definition of Mobile Home; General. Amend RSA 21 by inserting after section 45 the following new section:

21:46 Mobile Homes. The words "mobile home" shall mean manufactured housing as defined by RSA 31:118.

3 Definition of Manufactured Housing Foundations. Amend RSA 31:116 (supp) as inserted by 1977, 481:1 by striking out said section and inserting in place thereof the following:

31:116 Manufactured Housing Foundations. No town shall impose requirements that manufactured housing, as defined by RSA 31:118, which is located in parks be placed on other than the structural carriers designed for that purpose.

4 Definition of Manufactured Housing - Zoning. Amend RSA 31:118 (supp) as inserted by 1981, 406:2 by striking out said section and inserting in place thereof the following:

31:118 Manufactured Housing Defined. The term "manufactured housing" shall mean any structure, transportable in one or more sections, which, in the traveling mode, is 8 body feet or more in width and 40 body feet or more in length, or when erected on site, is 320 square feet or more, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to required utilities, which include plumbing, heating and electrical systems contained therein.

5 Definition of Mobile Home; Interim Zoning. Amend RSA 36-C:1, VI (supp) as inserted by 1973, 534:2 by striking out said paragraph and inserting in place thereof the following:

VI. "Manufactured housing" shall mean manufactured housing as defined by RSA 31:118.

6 Manufactured Housing Foundations. Amend RSA 47:22-b (supp) as inserted by 1977, 481:2 by striking out said section and inserting in place thereof the following:

47:22-b Manufactured Housing Foundations. The authority granted under RSA 47:22-a to establish minimum construction standards for manufactured housing, as defined by RSA 31:118, shall not extend to imposing requirements that manufactured housing which is located in parks be placed on other than the structural carriers designed for that purpose.

7 Tax on Transfer of Manufactured Housing. Amend RSA 78-B:1 by inserting after paragraph III the following new paragraph:

IV. For the purposes of this chapter, manufactured housing, as defined by RSA 31:118, shall be deemed real estate at such time as it is placed on a site and tied into required utilities.

8 Payment of Tax on Manufactured Housing. Amend RSA 78-B:4 by inserting after paragraph III the following new paragraph:

IV. Notwithstanding any other provision of this chapter to the contrary, the following subparagraphs shall govern payment of transfer taxes where the real estate consists of manufactured housing:

(a) If the manufactured housing constitutes stock-in-trade of any dealer engaged in the business of selling manufactured housing and if such manufactured housing has not been previously occupied as a dwelling by any person, the initial sale of such manufactured housing by the dealer shall not constitute a taxable transfer within the meaning of this chapter.

(b) If the manufactured housing has been occupied as a dwelling by any person or is owned by any person other than a dealer described in subparagraph (a), the sale of such manufactured housing shall constitute such a taxable transfer; and the transfer tax shall be paid as follows:

(1) If such manufactured housing remains in the same county within this state, the tax shall be paid by both the purchaser, grantee, assignee or transferee and the seller, grantor, assignor or transferor to the register of deeds of the county in which the manufactured housing is located;

(2) If such manufactured housing is relocated from one county to another county within this state, the tax shall be paid by both the purchaser, grantee, assignee or transferee and the seller, grantor, assignor or transferor only to the register of deeds of the county to which the manufactured housing is relocated;

(3) If such manufactured housing is relocated into this state from another state, the tax shall be paid only by the purchaser, grantee, assignee or transferee to the register of deeds of the county to which the manufactured housing is relocated; and

(4) If such manufactured housing is relocated out of this state, the tax shall be paid only by the seller, grantor, assignor or transferor to the register of deeds of the county from which the manufactured housing is relocated.

9 Relocation of Manufactured Housing. Amend RSA 80 by inserting after section 2 the following new section:



80:2-a Relocation of Manufactured Housing. No manufactured housing, as defined by RSA 31:118, which is in this state on April 1 in any year, except manufactured housing constituting the stock-in-trade of a dealer in the business of selling manufactured housing, shall be relocated from the place where it was located on April 1 unless the owner thereof shall produce and deliver to the person relocating the same a receipted tax bill for the tax assessed as of said April 1 or a statement signed by a majority of the board of selectmen or assessors of the place where the manufactured housing was located on April 1 that the same may be relocated without the payment of the taxes assessed thereon. The persons relocating such manufactured housing shall hold the receipted tax bill or statement of the selectmen during the period of transit of said manufactured housing and, upon arrival at its destination, deliver the same to the owner of the manufactured housing.

10 Definition of Mobile Home; Mobile Home Parks. Amend RSA 205-A:1, I as inserted by 1973, 291:l by striking out said paragraph and inserting in place thereof the following:

I. "Manufactured housing" means manufactured housing as defined by RSA 31:118.

11 Utility Dealer. Amend RSA 259:121 as inserted by 1981, 146:l by striking out said section and inserting in place thereof the following:

259:121 Utility Dealer. "Utility dealer" shall mean any person engaged exclusively in the manufacture, purchase or sale at wholesale or retail of travel or camp trailers, semi-trailers, tractors, farm equipment, construction equipment or any combination thereof.

12 Title Certificates. Amend RSA 261:1 as inserted by 1981, 146:l by striking out said section and inserting in place thereof the following:

261:1 When Certificate Required. Except as provided in RSA 261:3 the provisions of this chapter shall apply to all motor vehicles when a change of registration is required under the provisions of this chapter by reason of a sale for consideration. The department shall not require an application for a certificate of title upon the renewal of the registration, if required, of a vehicle. The department shall note on the face of the registration, if required, of each vehicle for which a certificate of title has been issued a statement to that effect.

13 Sales of Manufactured Housing by Dealers, Brokers and Park Owners. Amend RSA 331-A by inserting after section 9 the following new section:

331-A:10 Sales of Manufactured Housing by Dealers, Brokers and Park Owners. Notwithstanding any other provision of this chapter to the contrary, any person primarily engaged in the business of selling manufactured housing, as defined by RSA 31:118, or acting as a broker in the sale of manufactured housing for others or operating a park in which manufactured housing is located, may, for a fee or commission or other valuable consideration, list, sell,

purchase, exchange or lease manufactured housing without a license of a broker or salesman.

14 Title to Manufactured Housing. Amend RSA 477:44 as inserted by 1965, 119:1 by striking out said section and inserting in place thereof the following:

477:44 Buildings; Manufactured Housing.

I. Application of Real Estate Laws. Buildings situated on land not belonging to the owners of the buildings shall be deemed real estate for purposes of transfer, whether voluntary or involuntary, and shall be conveyed, mortgaged or leased, and shall be subjected to attachment, other liens, foreclosure and execution, in the same manner and with the same formality as real estate.

II. Manufactured Housing. Manufactured housing, as defined by RSA 31:118, shall be deemed a building for the purpose of paragraph I when such manufactured housing is placed on a site and tied into required utilities. Any deed conveying manufactured housing or evidencing its relocation within this state shall be substantially in the form provided in subparagraphs (a) and (b). If a deed for any manufactured housing is recorded in the registry of deeds of one county of this state and if such manufactured housing is relocated to another site in that county or to a site in another county of this state, a deed evidencing the change of location shall be recorded in the registry of deeds of the county in which it was originally located and a duplicate original shall also be recorded in the registry of deeds of the county to which it was relocated. If such manufactured housing is relocated to a site outside of this state, a statement evidencing the change of location substantially in the form provided in subparagraph (c) shall be recorded in the registry of deeds of the county in this state in which it was previously located. An attachment, lien or other encumbrance on manufactured housing, when properly created and recorded as required by law, shall continue to be enforceable until released or discharged notwithstanding the relocation of the manufactured housing within or outside of this state.

(a) A deed in substance following the form provided in this subparagraph shall, when duly executed and delivered, have the force and effect of a deed in fee simple to the grantee, heirs, successors and assigns, to his and their own use, with covenant on the part of the grantor, for himself, his heirs, executors and administrators that, at the time of the delivery of such deed, he was lawfully seized in fee simple of the manufactured housing; that such manufactured housing was free from all encumbrances, except as stated; that he had good right to sell and convey the same to the grantee, his heirs, successors and assigns; and that he and his heirs, executors and administrators shall warrant and defend the same to the grantee and his heirs, successors and assigns, against the lawful claims and demands of all persons. No owner of land shall unreasonably withhold the consent required by this statutory form.

Form for Manufactured Housing  
Warranty Deed

....., of .....,  
 ..... County, State  
 of ....., for consideration  
 paid, grant to  
 of ..... Street, Town (City)  
 of .....,  
 ..... County, State of  
 ....., with  
 warranty covenants, the  
 .....

(Description of manufactured housing being  
 conveyed: name of manufacturer, model and  
 serial number and encumbrances, exceptions,  
 reservations, if any) which manufactured  
 housing is situated, or is to be situated,  
 at .....

(state name of park, if any, and street  
 address), Town (City) of .....  
 , ..... County, State of New  
 Hampshire.

The tract or parcel of land upon which  
 the manufactured housing is situated, or is  
 to be situated, is owned by  
 .....  
 by deed dated ..... and recorded  
 at Book ....., Page ..... in the  
 ..... County Registry of Deeds.  
 ..... (wife) (husband) of said  
 grantor, release to said grantee all rights  
 and other interests therein.

Witness ..... hand this  
 ..... day of ..... 19....  
 Witness: .....

(Here add acknowledgement)

....., owner of the  
 tract or parcel of land upon which the  
 aforesaid manufactured housing is situated,  
 or is to be situated, hereby consents to the  
 conveyance of the manufactured housing.

Witness ..... hand this  
 ..... day of ..... 19....  
 Witness: .....

(Here add acknowledgement)

( ) Check box if the manufactured  
 housing has been relocated from one site to  
 another within New Hampshire. The  
 manufactured housing was previously located  
 at ..... (state name of  
 park, if any, and street address), Town  
 (City) of .....  
 ..... County, State of New  
 Hampshire and title, if any, to the same was  
 recorded at Book ..... Page ....., in  
 the ..... County Registry of  
 Deeds. If the relocation is to a county of  
 the State of New Hampshire other than the  
 county in which the deed to the grantor was  
 recorded, a duplicate original of the deed  
 must be recorded in the registry of deeds of  
 that county at the same time this deed is  
 recorded.

(b) A deed in substance  
 following the form provided in this  
 paragraph shall, when duly executed and  
 delivered, have the force and effect of a  
 deed in fee simple to the grantee, heirs,  
 successors and assigns, to his or their own

use, with covenants on the part of the  
 grantor, for himself, his heirs, executors  
 and administrators with the grantee, his  
 heirs, successors and assigns that at the  
 time of the delivery of such deed the  
 manufactured housing was free from all  
 encumbrances made by the grantor, except as  
 stated, and that he and his heirs, executors  
 and administrators shall, warrant and defend  
 the same to the grantee and his heirs,  
 successors and assigns forever against the  
 lawful claims and demands of all persons  
 claiming, by, through or under the grantor,  
 but against none other. No owner of land  
 shall unreasonably withhold the consent  
 required by this statutory form.

## Form for Manufactured Housing Quitclaim Deed

....., of .....,  
 ..... County, State of  
 ....., for consideration paid,  
 grant to .....  
 of ..... Street, Town (City) of  
 .....,  
 ..... County, State of  
 ....., with  
 quitclaim covenants, the  
 .....

(Description of manufactured housing being  
 conveyed: name of manufacturer, model and  
 serial number and encumbrances, exceptions,  
 reservations, if any) which manufactured  
 housing is situated, or is to be situated,  
 at .....

(state name of park, if any, and street  
 address), Town (City) of .....  
 , ..... County, State of New  
 Hampshire.

The tract or parcel of land upon which  
 the manufactured housing is situated, or is  
 to be situated, is owned by  
 ..... by deed dated  
 ..... and recorded at Book  
 ....., Page....., in the .....  
 County Registry of Deeds.

..... (wife) (husband) of said  
 grantor, release to said grantee all rights  
 and other interest therein.

Witness ..... hand this  
 ..... day of ..... 19 ....  
 Witness: .....

(Here add acknowledgment)

....., owner of the  
 tract or parcel of land upon which the  
 aforesaid manufactured housing is situated,  
 or is to be situated, hereby consent to the  
 conveyance of the manufactured housing.

Witness ..... hand this  
 ..... day of ..... 19....  
 Witness: .....

(Here add acknowledgment)

( ) Check box if the manufactured  
 housing has been relocated from one site to  
 another within New Hampshire. The  
 manufactured housing was previously located  
 at ..... (state name of park, if  
 any, and street address), Town (City) of  
 .....,  
 ..... County, State of New Hampshire and title, if

any, to the same was recorded at Book  
....., Page ....., in the  
..... County Registry of  
Deeds. If the relocation is to a county of  
the State of New Hampshire other than the  
county in which the deed to the grantor was  
recorded, a duplicate original of the deed  
must be recorded in the registry of deeds of  
that county at the same time this deed is  
recorded.

(c) An out-of-state transfer  
statement in substance following the form  
appended to this paragraph shall, when duly  
executed and recorded in the registry of  
deeds of the county in which the  
manufactured housing was previously located,  
have the force and effect of transferring  
title of the manufactured housing to the  
grantee, his heirs, successors and assigns  
and terminating the record title of the  
manufactured housing in such registry of  
deeds under circumstances by which the  
manufactured housing is relocated to a site  
outside of this state. No owner of land  
shall unreasonably withhold the consent  
required by this statutory form. No  
manufactured housing may be relocated to a  
site outside of this state unless all  
holders of liens, attachments or  
encumbrances, if any, consent thereto in  
writing on the transfer statement.

Form for Out-of-State Transfer Statement

....., of .....,  
..... County, State of  
....., for consideration  
paid, grant to .....  
of ..... Street, Town (City)  
of .....,  
..... County, State of  
.....,  
the .....  
(Description of manufactured housing being  
conveyed: name of manufacturer, model and  
serial number and encumbrances, exceptions,  
reservations, if any) which manufactured  
housing was situated at  
.....  
..... (state name of park, if any, and  
street address), Town (City) .....  
of .....,  
County, State of New Hampshire.

The tract or parcel of land upon which  
the manufactured housing was situated is  
owned by .....  
by deed .....  
dated ..... and recorded at Book  
....., Page ..... in the .....  
County Registry of Deeds.

..... (wife) (husband) of said  
grantor, release to said grantee all rights  
and other interest therein.

Witness ..... hand this  
..... day of ..... 19 ....  
Witness: .....

(Here add acknowledgment)

....., owner of the  
tract or parcel of land upon which the  
aforesaid manufactured housing was situated,  
hereby consents to the conveyance of the  
manufactured housing.

Witness ..... hand this  
..... day of ..... 19 ....  
Witness: .....

(Here add acknowledgment)

....., holder of (lien, attachment  
or encumbrance) hereby consent to the  
conveyance of the aforesaid manufactured  
housing, subject to condition that the  
aforesaid (lien, attachment or encumbrance)  
shall remain in force and effect thereon.

Witness ..... hand this .....  
day of ..... 19 ....  
Witness: .....

(Here add acknowledgment)

15 Homestead Reference. Amend RSA  
480:1 (supp) as amended by striking out said  
section and inserting in place thereof the  
following:

480:1 Amount. Every person is entitled  
to \$5,000 worth of his homestead, or of his  
interest therein, as a homestead. The  
homestead right created by this chapter  
shall exist in manufactured housing, as  
defined by RSA 31:118, which is owned and  
occupied as a dwelling by the same person  
but shall not exist in the land upon which  
the manufactured housing is situated if that  
land is not also owned by the owner of the  
manufactured housing.

16 Reference Deleted. Amend RSA 528:2  
(supp) as amended by striking out said  
section and inserting in place thereof the  
following:

528:2 Goods. Goods and chattels taken  
on execution shall be safely kept by the  
officer, at the expense of the debtor, 4  
days at least; shall be advertised for sale  
by posting notices of the time and place of  
sale at 2 of the most public places in the  
town where the sale is to be 48 hours before  
the expiration of said 4 days; and shall be  
sold at auction to the highest bidder.

17 Reference Deleted. Amend RSA 528:4  
(supp) as amended by striking out said  
section and inserting in place thereof the  
following:

528:4 Proceeds of Sale. The money  
arising from the sale of unencumbered  
personal property under RSA 528:2 shall be  
applied by the officer to the payment of the  
charges and the satisfying of the executions  
levied thereon, in the order in which the  
attachments thereon, if any, were made,  
otherwise in the order in which the  
executions were delivered to him; and the  
balance, if any, shall be returned to the  
debtor.

18 Statutory References to Mobile  
Homes. Amend the following sections and  
paragraphs of sections of RSA by striking  
the words "mobile home," "house trailer,"  
"travel trailer" and "trailer" and inserting  
in place thereof the following (manufactured  
housing) and by making any necessary  
grammatical corrections so that said  
sections and paragraphs as amended shall  
refer to manufactured housing: RSA 36-C:2,  
IX; RSA 47:22-a; RSA 72:7-a; RSA 72:7-b; RSA  
73:16-a; RSA 75:4; and RSA 205-A.

19 Repeals. The following are hereby  
repealed:

I. RSA 259:56, relative to the definition of mobile homes.

II. RSA 259:122, II, relative to the definition of vehicle.

III. RSA 261:69, relative to the payment of taxes on mobile homes.

IV. RSA 261:70, relative to tax bills for and the removal of mobile homes.

20 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HB 286-FN, relative to a 4 percent tax on income and making an appropriation therefor. Inexpedient to Legislate.

The subject matter of this bill will be considered under HB 299-FN which needs further study. Vote 15-2. Rep. Barbara Zeckhausen for Ways and Means.

Rep. Daniell moved that the words, Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate, and spoke to his motion.

Rep. Zeckhausen spoke against the motion.

Rep. Scamman moved that HB 286 be laid upon the table.

Rep. Daniell requested a division.

266 members having voted in the affirmative and 59 in the negative, the motion was adopted.

HB 286 was laid upon the table.

HB 290-FN, relative to revenue enhancement and disbursement. Inexpedient to Legislate.

This bill would repeal the business profits tax and impose a sales and income tax. It was not clearly presented and would have totally changed the tax structure of the state. The revenue estimates were also not substantiated to the extent that the Committee could seriously consider the bill. Vote 16-0. Rep. Barbara Zeckhausen for Ways and Means.

Resolution adopted.

HB 309-FN, relative to the sale of fireworks and imposing a tax thereon. Inexpedient to Legislate.

This bill proposes the sale of Class C fireworks on a year-round basis to persons age 20 or over with a 25% tax on sales. The majority of the Committee feels that it is extremely unlikely that the use and possession of fireworks could be restricted to only persons age 20 and above. Numerous state and local fire safety and police officers appeared in opposition, citing statistics on fireworks, injuries to children and fire explosion damage to property. The sponsor revenue estimates of \$20 million in New Hampshire sales could not be validated, based on nationwide gross sales of \$100 million annually. Vote 13-6. Rep. Robert L. Jones for Ways and Means.

Rep. Daniel Eaton moved that HB 309 be laid upon the table.

Adopted.

HB 432-FN, to extend the road toll increase. Ought to Pass.

HB 432 makes the gas tax passed in the budget a permanent law. The Committee felt that this should be a permanent law so that the department can plan better for the future. This will also make borrowing money easier for them. Vote 16-3. Rep. W. Douglas Scamman, Jr. for Ways and Means.

Ordered to third reading.

Rep. Barber notified the Clerk he wished to be recorded against HB 432.

Rep. Rounds offered the following:

RESOLVED, that in accordance with the list in the possession of the clerk, House Bills numbered 845 and 846, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 845-FN, relative to beano and lucky 7. (Spirou of Hillsborough Dist. 31 - To Regulated Revenues)

HB 846-FN, relative to games of chance. (Spirou of Hillsborough Dist. 31 - To Regulated Revenues)

#### RECONSIDERATION

Rep. Donovan moved that the House reconsider its action whereby it passed HB 63, relative to a transfer tax on mobile homes, and yielded to Rep. Lussier who spoke against the motion.

Rep. Scamman spoke against the motion. Reconsideration lost.

#### THREE LEGISLATIVE DAY EXTENSION GRANTED

SB 6, to amend the child pornography laws.

#### SUSPENSION OF RULES

Rep. Benton moved that the Rules be so far suspended as to permit consideration at the present time of HJR 4-FN, memorializing the Vietnam veterans, without referral to committee, printing, public hearing, committee report and notice in the Calendar. Adopted by the necessary two-thirds.

HJR 4-FN, memorializing the Vietnam veterans.

#### Amendment

Amend the resolution by striking out all after the resolving clause and inserting in place thereof the following:

I. That the state of New Hampshire demonstrate its gratitude and respect for Vietnam veterans by establishing the weekend beginning Friday, October 14, 1983, as homecoming weekend for New Hampshire's Vietnam veterans. The activities of



municipalities, social, fraternal, business, religious and veterans groups should be coordinated by the chairman of the New Hampshire veterans council, or his designee, and

II. That the weekend beginning May 4, 1984, and beginning the first Friday in May each year thereafter is hereby established as Vietnam veterans memorial weekend, and

III. That a committee to determine the needs and extent for state services be established consisting of one person to be appointed by the governor, one senator appointed by the president of the senate, one representative appointed by the speaker of the house of representatives; the chairman of the state veterans council, or his designee; the director of the veterans administration medical center, or his designee; the director of the veterans administration regional office, or his designee; the adjutant general of New Hampshire, or his designee, and one person to represent each of the 2 chapters of the Vietnam Veterans of America in New Hampshire, as designated by the president of each chapter. The committee shall elect a chairman and a clerk from its membership; the members shall serve without compensation; however, the legislative members shall receive legislative mileage, and

IV. That the bridge connecting interstate highway 89 in New Hampshire with the state of Vermont shall be designated the Vietnam veterans memorial bridge, and

V. That the committee established under paragraph III shall report its finding not later than October 1, 1983, on the need for legislation in the areas of, but not limited to:

(a) A New Hampshire vietnam herbicides information committee.

(b) Educational benefits for dependents of deceased Vietnam veterans.

(c) A state veterans clearinghouse for information, as provided by the state veterans council.

(d) Liaison with New Hampshire's congressional delegation and other federal government agencies to provide access and information to federal programs, including the Vietnam veterans leadership program.

Reps. Benton and Barber spoke in favor of the amendment.

Amendment adopted.

Ordered to third reading.

Rep. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourn today it be to meet Tuesday, April 26 at 1:00 p.m.

Adopted.

## LATE SESSION

### Third reading and final passage

HB 473, relative to gasoline credit account charges.

HB 521, regulating rental referral agencies, health clubs, and buying clubs.

HB 575, withdrawing home office protection under the branch banking law from banks which are affiliates of bank holding companies.

HB 688, making electronic banking available to credit unions.

HB 721, requiring group health insurers to continue health coverage for former spouses of members for a certain period of time.

HB 753, to establish the incorporation of consumer cooperative associations with the state of New Hampshire.

HB 761, relative to prepayment of installment sales agreements.

HB 792, relative to the false advertising of maple products.

HB 808, authorizing the bank commissioner to provide independent insuring funds with certain information relative to financial institutions.

HB 809, relative to credit unions.

HB 810, requiring labeling of products which contain urea-formaldehyde.

HB 815, relative to the flexibility of rules governing small businesses.

HB 832-FN, establishing a community development finance authority.

HB 512, relative to clarification of certain terms regarding school children.

HB 658, relative to special education for certain minors and children.

HB 611-FN, relative to regulation of spraying residential neighborhoods with hazardous pesticides.

HB 454-FN, permitting group II members who reach age 65 to make an election for retirement benefits.

HB 468, relative to the state council on aging.

HB 565-FN, changing the name of the department of health and welfare to the department of health and human services.

HB 579, relative to the impact of computerizing state agencies.

HB 613-FN, increasing the rate of the delinquent account penalty which is assessed by the retirement system board of trustees.

HB 615, permitting benefit payment deductions for group carriers other than Blue Cross and relative to the payment of actuarial fees.

HB 617-FN, relative to employee benefits after his employer's withdrawal from the retirement system.

HB 634-FN, relative to straight chiropractic.

HB 657, relative to the administrative procedures act.

HB 684-FN, relative to responsibility for the payment of accrued liability by political subdivisions and certain specialized schools which withdraw from the retirement system.

HB 693-FN, relative to returning retirement system members' accumulated contributions.

HB 695-FN, relative to withdrawal and fringe benefits for certain unclassified



state employees under the retirement system and reducing the normal contribution rate to the retirement system which certain employers must pay.

HB 744-FN, establishing a department of corrections.

HB 767-FN, relative to disability retirement benefits.

HB 830, relative to termination of parental rights.

HCR 9, expressing the intent of the general court with respect to operations of the division of welfare.

HB 493-FN, increasing the jurisdictional amount of small claims.

HB 496, creating a judicial compensation commission and relative to the continuance of part time district courts.

HB 568, relative to annulment of records of conviction and sentence for certain offenders.

HB 566, recodifying the controlled drug laws.

HB 630, relative to changes in the construction clause of the law against discrimination.

HB 638-FN, increasing the penalty for failing to obey a summons.

HB 642, relative to the appointment of guardians for persons admitted for in-patient treatment on an involuntary basis.

HB 651-FN, relative to repayment of counsel expenses by indigent defendants.

HB 715-FN, relative to the distraint of the contents of safe deposit boxes.

HB 747, permitting victims or their next of kin to appear and speak at parole hearings and modifying notice of parole hearing requirements.

HB 756, relative to administrative inspection warrants.

HB 758-FN, relative to the representation of indigent defendants.

HB 785, to eliminate the limitation of recovery in actions for wrongful death.

HB 828, establishing the public guardianship and protection program.

HB 535-FN, relative to the payment of wages to an employee who reports to work at the request of his employer.

HB 585-FN, permitting the labor commissioner to assess civil penalties.

HB 599, modifying the definition of "most recent employer."

HB 749, relative to the appellate division and appeal tribunal of the department of employment security.

HB 751, relative to employee access to personnel files.

HB 763-FN, relative to toxic substance in the workplace.

HB 769, establishing a New Hampshire public employee safety act.

HB 783, relative to collective bargaining by state employees.

HB 798-FN, relative to the weekly benefit amount for unemployment compensation.

HB 341-FN, consolidating the office space study committee with the capital planning committee.

HB 471, concerning the effective date of certain laws.

HB 655-FN, relative to beano at campgrounds and beano for children.

HB 733-FN, limiting rafting of boats, regulating distance between stationary boats with expanding enforcement.

HB 598, relative to the establishment of a state park on state-owned land in the city of Laconia in honor of all former governors of the state.

HB 621, limiting library commissioners to 2 consecutive terms.

HB 63-FN, relative to a transfer tax on mobile homes.

HB 432-FN, to extend the road toll increase.

HB 745-FN, amending the business profits tax and transferring certain functions to the department of revenue administration.

HB 835, relative to the regulation of water utilities.

CACR 9, relating to succession to the office of governor and the taking of the oath of office by the governor. Providing that in the event of a vacancy in the office of governor or the incapacity of the governor to perform his duties, the president of the senate, speaker of the house, secretary of state and state treasurer, in that order, shall be acting governor until the vacancy is filled or the incapacity removed; that if a vacancy in the office of governor for the remainder of the governor's term occurs before the commencement of the last year of his term, a special election for governor shall be held; that the incapacity of the governor shall be determined by his written declaration or by judgment of the supreme court; that the office of governor may be declared vacant by the general court when the governor or governor-elect has been incapacitated for a period of 6 months; and that a justice of a New Hampshire court shall administer the oath of office to a newly-elected Governor.

CACR 11, relating to meetings of the legislature. Providing that the legislature shall meet in annual sessions and receive mileage for not more than 45 legislative days during the session.

CACR 20, relating to the amount in controversy required for a jury trial. Providing that the amount be determined by law.

HB 643-FN, relative to fees, definitions and enforcement procedures relative to hazardous waste.

HB 729, relative to the naming of children on birth certificates.

HB 645-FN, relative to certificate of need.

HB 45, to increase the penalty for refusal to take the chemical testing to determine alcoholic content of blood.

HB 650-FN, relative to court procedures and the select commission to examine a unified court system.

HB 706-FN, relative to the awarding of fees and other expenses in civil actions involving state agencies.

HB 801-FN, clarifying the power of the commission for human rights to order the payment of reasonable attorneys' fees.

HB 618-FN, requiring binding arbitration in resolving labor disputes involving police and fire employees of certain cities.

HB 696-FN, amending the workmen's compensation laws to update language and rectify other matters.

HB 743-FN, relative to unemployment compensation benefits.

HB 782, relative to the public employee labor relations law.

HB 538-FN, relative to police presence at public meetings and functions.

HB 281-FN, increasing the beer tax.

HB 811, relative to the protection of tenants in conversion of rental units.

HB 816, relative to the election of representatives to the general court and the election of delegates to the state party conventions from the city of Keene.

HJR 4-FN, memorializing the Vietnam veterans.

#### UNANIMOUS CONSENT

Rep. French addressed the House by Unanimous Consent.

Rep. Rounds moved that the House stand in recess for the purpose of Introduction of Bills and Enrolling Reports only.  
Adopted.

The House recessed at 8:40 p.m.

#### RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn.  
Adopted.

# HOUSE JOURNAL 21

*Tuesday, 26Apr83*

The House assembled at 1:00 p.m., and was called to order by the Speaker.

Prayer was offered by guest Chaplain, Rev. Robert W. Thurston.

Eternal God, we thank You for the faith which sustains us, the hope which inspires us, and the light by which we daily walk.

Help us to correct our mistakes. Cause us to look within ourselves and to see there all that we condemn in others.

Give to every State and Nation that which we seek for our own State and Nation--concern for the needs of everyone, sensitivity to moral issues, deliverance from cynicism and despair, strength to be free and to carry the burden of freedom, and readiness to accept responsibility, rather than to evade its consequence.

Let us go through today's work with faithfulness, strong to do justly, to love mercy, and to walk humbly with you. Amen.

Rep. Fields led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Stimmell, Waldron, Sallada, Drewniak, Donnelly, Zimmerman and James J. White, the day, illness.

Reps. Quimby, William Sullivan, Knight, Lucille Wood, Blanchard, Labombarde, Robert Holmes, Taffe, Sylvia, E. Jane Walker, Downing, Daniel Healy, Simon, Thomas Hynes, James Sullivan, Durant, Trombly, Michaelides, Wallner, Duffett, Vecchione, Chynoweth and Sanders, the day, important business.

## INTRODUCTION OF GUESTS

Milton S. Graton, guest of Rep. Blair; Gary Coleman and David McGuigan, guests of Rep. Chagnon; Jon, Ethan and David Hickey and Ruth Andrews, family of Rep. Hickey; Chris Harrington, son of Rep. Harrington; Martha Robinson, daughter of Rep. Ellen-Ann Robinson; Kimberly and Bruce Scamman, guests of Rep. Scamman; Megan Perkins and Linda Strang, guests of Rep. Perkins; Shirley Aumand, daughter of former member Norman Packard, guest of Rep. Van Loan; Virginia Hraba, Kevin and Kimberly Curley, wife and grandchildren of Rep. Hraba; Matthew Boucher, great grandson of Rep. Valliere; Leslie Danderson, guest of Rep. Danderson; Aaron and Christina Carey, and Kevin Molway, guests of Rep. Dexter; members of 5 classes from High View Church Farm School in Lempster, and their teachers, guests of Rep.

Ingram; Sylvia and Nan Jones, wife and mother of Rep. Robert Jones; Marion Lord, mother of Rep. Gross; Carol Russell, Isis O'Dell, Elizabeth and Uris White, guests of Rep. Russell; Patricia Sarantis, guest of Rep. Lyons; Marion Dodds, Annie, Micah, Ethan and Chadera Joos, guests of Rep. Joos; Carol, John Griff and Jane Resch, wife and children of Rep. Resch; Theresa Beliveau, wife of Rep. Beliveau; former Representative Beatrice Cary, guest of the House; Dorothy Miller and Bernadette Maynard, guests of Rep. Parr.

Rep. Rounds moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 228-FN, relative to the sweepstakes fund, was removed at the request of Reps. Burdick and Heath.

HB 267-FN, relative to distribution from the sweepstakes fund, was removed at the request of Rep. Daniell.

HB 814-FN, creating an exemption from the meals and rooms tax for nonprofit social clubs and fraternal organizations, was removed at the request of Rep. Zajdel.

HB 838-FN, correcting the over-apportionment made in the 1981 tax rate for the town of Bartlett, was removed at the request of Reps. Dickinson and Ashnault.

Adopted.

## COMMITTEE REPORTS (Consent Calendar)

HB 91-FN, relative to the reconstruction of Camp Sargent road and making an appropriation therefor. Ought to Pass with Amendment.

The Committee felt this bill, which is partially funded by Merrimack will, alleviate a serious traffic problem between 2 state arteries by reconstructing and relocating a portion of the Camp Sargent Road. The amendment clarifies the definition of Class II highway. Vote 13-2. Rep. Paul I. LaMott for Appropriations.

## Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Appropriation. The sum of \$1,075,000 is hereby appropriated to the department of public works and highways representing the state's 50 percent share of the cost for the reconstruction and relocation of a portion of Camp Sargent road between its junction with Continental boulevard and New Hampshire Route 101-A near the Merrimack-Nashua town line. This appropriation is for the biennium ending June 30, 1985; provided, however, the appropriation shall be non-lapsing if the town of Merrimack provides the town's 50 percent share of the cost for this project.

2 Bonds. To provide funds for the state appropriation made in section 1 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state a sum not exceeding \$1,075,000 and for

said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

3 Payments. The payment of principal and interest on the bonds and notes issued for the project in section 1 of this act shall be made when due from the highway fund.

4 Reclassification of Camp Sargent Road in Merrimack. On the effective date of this act, the section of Camp Sargent road from the southerly terminus of Continental boulevard as extended, southerly to its junction with Naticook road, and the section of Naticook road running southerly to New Hampshire Route 101-A shall be reconstructed and portions shall be relocated as determined by the department of public works and highways. The relocated and reconstructed portions of this road shall be classified as a class II highway.

5 Effective Date. This act shall take effect upon its passage.

HB 142-FN, relative to sunset review of the parole board and creating a department of probation and parole. Ought to Pass.

The Committee has endorsed the concept of combining the functions of the Parole and Probation Boards. Vote 15-0. Rep. Margaret A. Ramsay for Appropriations.

HB 145-FN, relative to sunset review of the labor department - inspection division. Ought to Pass with Amendment.

This bill renews the boiler and elevator inspection division of the Labor Department through July 1, 1989, and establishes a revised schedule of fees sufficient to more than support the expenses of the division as listed in the amendment, establishes two positions in 1984, three in 1985, and establishes a non-lapsing boiler and elevator inspection fund to receive the revenue. Vote 17-0. Rep. Margaret A. Ramsay for Appropriations.

#### Amendment

Amend the bill by striking out all, after section 15 and inserting in place thereof the following:

#### 16 Appropriation.

I. There is hereby appropriated to the department of labor for the purpose of this act the following sums:

	Fiscal year 1984	Fiscal year 1985
class 10 - Personal services-permanent	\$44,246	\$63,434
class 20 - Current expenses	4,000	4,200
class 30 - Equipment	13,615	18,900
class 60 - Benefits	8,850	12,687
class 70 - In-state travel	4,700	6,500
class 80 - Out-of-state travel	700	750
class 90 - Computer services	12,500	7,500
Total	\$88,611	\$113,971

II. The governor is authorized to draw his warrant for said sums from sums in the boiler and elevator inspection fund established by RSA 157-A:14.

17 Effective Date. This act shall take effect July 1, 1983.

HB 156-FN, relative to sunset review of the department of resources and economic development - administration and support. Ought to Pass with Amendment.

The amendment brings the joint promotional program of Office of Vacation Travel within the permanent statutes. Vote 21-0. Rep. William F. Kidder for Appropriations.

#### Amendment

Amend the bill by striking out all after section 19 and inserting in place thereof the following:

20 Joint Promotional Program. Amend RSA 12-A by inserting after section 1-d the following new section:

12-A:1-e Joint Promotional Program. A joint promotional advertising program is hereby established to carry out the duties of the department of resources and economic

development as set forth in RSA 12-A:1-c to publicize the advantages of the state of New Hampshire for tourism and to encourage continuous partnership with private industry in this promotion in order to maintain a viable and strong economic base in the state. To achieve this:

I. The department of resources and economic development shall administer a joint promotional advertising program in cooperation with the New Hampshire Travel Council. The funds appropriated for this program shall be expended for grants for advertising programs entered into with independent groups or organizations which are designed to promote travel and tourism in the state of New Hampshire.

II. The funds shall be expended, provided that 50 percent matching funds are paid by private sources. Such grants shall be given only to regional associations, state-wide tourist groups, chambers of commerce or other promotional organizations as may be certified by a select committee of the Travel Council, with the approval of the commissioner of the department of resources and economic development. Such grants shall only be given to those organizations which have been in existence for at least 3 years prior to the date of the grant application.

III. Grant applications shall be screened by a select committee appointed by the New Hampshire Travel Council, Inc., and the commissioner of the department of resources and economic development. The Travel Council shall appoint 7 of its members who shall be representatives of a chamber of commerce, regional association, ski area, attraction, campground, and lodging. The commissioner shall appoint 2 members to the select committee, one of whom shall be the director of the office of vacation travel. After reviewing grant applications, the select committee shall recommend approval to the commissioner. Disapproval of any application by the select committee shall be in writing with the reasons for disapproval stated. The select committee may issue information pamphlets and other explanatory materials describing the program as it considers necessary.

IV. Grants shall not be used for administrative salaries or overhead expenses of any applicant selected for a grant. Funds appropriated for the joint promotional program shall not be transferred or expended for any other purpose.

21 Effective Date. This act shall take effect upon its passage.

HB 198-FN, relative to the proceeds from the sale of state property. Ought to Pass with Amendment.

This bill directs that the proceeds from the sale of state-owned property be used to reduce the bonded indebtedness of the state. It additionally requires approval of the Office Space Study Committee before the Governor and Council become involved in buying, selling, leasing or exchanging lands. Vote 16-2. Rep. Paul I. LaMott for Appropriations.

#### Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:  
3 Effective Date. This act shall take effect July 1, 1983.

HB 206-FN, relative to the restoration of the covered bridge between Cornish, New Hampshire and Windsor, Vermont, and making an appropriation therefor. Ought to Pass with Amendment.

In the opinion of the Committee this useful artery must be maintained and historically restored. The Committee amended this bill to accept federal and other funds to facilitate the completion of this project. Vote 18-0. Rep. Paul I. LaMott for Appropriations.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Appropriation. The sum of \$800,000 is hereby appropriated to the department of public works and highways for the biennium ending June 30, 1985, as New Hampshire's share of the cost of the rehabilitation of the Cornish, New Hampshire - Windsor, Vermont, covered bridge. This appropriation

shall be reduced by the amount of any federal funds made available. In addition to this appropriation, funds received from the state of Vermont or from the town of Windsor, Vermont for their share of the cost of the rehabilitation of this structure shall be added to this appropriation and expended for this purpose. The funds hereby appropriated shall be a charge against the highway fund.

2 Expenditure of Funds. The sums appropriated in section 1 of this act shall be expended under the direction and control of the department of public works and highways and the capital budget overview committee. The provisions of RSA 228 relative to competitive bidding and RSA 447 relative to performance bonds shall not apply to this project.

3 Effective Date. This act shall take effect upon its passage.

HB 241-FN, making an appropriation to the department of education for the state revenue match requirement of the federal school lunch and child nutrition program. Inexpedient to Legislate.

The money to cover the federal school lunch program was included in HB 315 which is already in the Senate. Vote 20-0. Rep. Andrea A. Scranton for Appropriations.

HB 246-FN, relative to the acquisition and rehabilitation of civil patrol aircraft and making an appropriation therefor. Inexpedient to Legislate.

The funds for the renovations of these airplanes are in HB 500. Additional personnel will be addressed in the supplemental budget. Vote 17-0. Rep. Margaret A. Ramsay for Appropriations.

HB 251-FN, relative to the state board of education and to salaries of assistant superintendents, teacher consultants and business administrators. Ought to Pass.

This bill needs no appropriation. It came to the Committee already amended and the amendment had removed that section requiring funds. Vote 18-0. Rep. Andrea A. Scranton for Appropriations.

HB 310-FN, relative to construction of the central New Hampshire turnpike and making an appropriation therefor. Ought to Pass with Amendment.

This bill as amended improves the central New Hampshire turnpike in the Nashua-Merrimack area to alleviate the traffic problems and continues the ability of the Governor and Council to discount or reduce the established tolls on any of the turnpikes. Vote 16-2. Rep. Paul I. LaMott for Appropriations.

#### Amendment

Amend RSA 237:2, IV as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

IV. Make improvements to the central New Hampshire turnpike, including, but not limited to:



(a) Design and construction of a full interchange at exit 2 in Nashua, terminating on the east side of the turnpike with a 2 lane at grade crossing of the Daniel Webster highway;

(b) Construction of a new exit 7W in Nashua;

(c) Reconstruction of exit 8 in Merrimack to remove the current toll plaza providing toll collection equipment on the on and off ramps;

(d) Construction of the main line toll plaza in Bedford; and

(e) Continue design and engineering of the modernization of the central turnpike.

Amend the bill by striking out all after section 3 and inserting in place thereof the following:

4 Toll Criteria. Amend RSA 237:11 by inserting after paragraph IV the following new paragraph:

V. In establishing tolls or charges pursuant to RSA 237:9, 24 or 40, the governor and council shall continue to discount or reduce the established tolls on any of the turnpikes in the system and shall extend a discount to all classes of motor vehicles as defined in RSA 259:60.

5 Effective Date. This act shall take effect upon its passage.

HB 333-FN, relative to a lump sum death benefit for Lillian Palmer. Ought to Pass with Amendment.

The Committee concurs with the Executive Departments and Administration Committee's recommendation to allow Lillian Palmer to receive a lump sum death benefit. The amendment changes the effective date to take effect upon passage of the bill. Vote 15-0. Rep. Margaret A. Ramsay for Appropriations.

#### Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Effective Date. This act shall take effect upon its passage.

HB 347-FN, relative to expenditures made by department of fish and game for search and rescue missions. Ought to Pass with Amendment.

The amendment to this bill allows for the sale of souvenir cards on the top of Mount Washington and at various state facilities, as a means of funding expenditures for search and rescue missions. Vote 18-0. Rep. Paul I. LaMott for Appropriations.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

providing funds for expenditures made by the department of fish and game for search and rescue missions and making an appropriation therefor.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Subdivision. Amend RSA 206 by inserting after section 41 the following new subdivision:

#### Search and Rescue Fund

#### 206:42 Souvenir Cards.

1. The department of fish and game shall design and purchase, subject to the approval of the subcommittee on resources and transportation of the house appropriations committee, a pocket or wallet size souvenir card which would typify the location where said card is to be sold at such places as the top of Mount Washington, the various state parks and other state facilities.

II. Each card shall be sold for \$1 at the various parks and other concessions which are under the operational control or administration of the division of parks, department of resources and economic development.

III. The department of resources and economic development shall not charge for this service but shall remit to the state treasurer on a monthly basis the receipts of the card sales made during the previous month.

IV. All proceeds from the sale of the souvenir cards shall be deposited in a special account established by the state treasurer to reimburse the department of fish and game for the expenses incurred in a search and rescue mission, including the expense of training department of fish and game personnel for this type of mission. The state treasurer is authorized to receive gifts, grants, bequests or donations from any source for this special fund.

206:43 Statement of Expenses. The executive director, with the approval of the commission, shall submit to the state treasurer a statement of the expenses incurred by the department in a search or rescue mission. The statement shall show in detail the amount and character of the services performed, the duration of the search or rescue mission, and the actual disbursements made by the executive director as a result of such efforts. In addition, the executive director shall submit in detail a statement regarding the expenses involved in any training of department personnel for search and rescue missions.

206:44 Payment of Expenses. Upon receipt of a statement as provided in RSA 206:43, the state treasurer shall submit the statement to the legislative fiscal committee for approval. If approved by the fiscal committee the state treasurer shall credit the fish and game fund with the amount so approved from the special account established for search and rescue.

2 Application of Receipts. Amend RSA 6:12, I (supp) as inserted by 1981, 500:2 as amended by striking out said paragraph and inserting in place thereof the following:

1. Moneys received by the state treasurer, as provided in RSA 6:11, shall be available for general revenue of the state with the following exceptions:

(a) Moneys received by the state sweepstakes commission which shall be credited to the sweepstakes special fund.

(b) Moneys received by the fish and game department which shall be credited to the fish and game fund.

(c) Fines received for violations of RSA 214:12 which shall be credited to the fish and game fund.

(d) Contributions received under RSA 72:1 which shall be credited to the fish and game department as provided in that section.

(e) Fees certified by the chairman of the public utilities commission under RSA 107-B which shall be credited to the New Hampshire nuclear planning and response fund.

(f) Fees and fines from the division of motor vehicles which, after deducting the amount allowed by the legislature for maintaining said division and \$150,000 annually for maintaining in part the division of state police, shall be credited to the public works and highways department for maintenance of highways.

(g) Moneys received by the police standards and training council, which shall be credited to the police standards and training council training fund.

(h) Fines and costs from the division of state police of the department of safety which shall be credited to the public works and highways department for maintenance of highways.

(i) Ninety percent of the filing fees collected by the board of tax and land appeals under RSA 498-A shall be credited to the highway fund.

(j) Revenues from fees, rentals and the sale of products from lands under the jurisdiction of the department of resources and economic development, which shall be credited as provided under RSA 219.

(k) All moneys, fees and fines and sales included within the weights and measures fund established by RSA 359-A:36.

(l) Fees collected by the public utilities commission of railroads and public utilities for money paid out by the commission to experts and assistants not in its regular employ, which fees shall be appropriated to reimburse the state for money so paid out.

(m) Moneys received under RSA 457:29, which shall be credited to the special fund for domestic violence programs.

(n) The share of the normal yield tax going to the department of resources and economic development under RSA 79:14, which shall be credited to the unincorporated places forest conservation fund.

(o) Moneys received for sending children to the special education program of the child and adolescent unit at the New Hampshire hospital pursuant to RSA 186-C:20.

(p) Money received under RSA 125:62-a, 143:11, and 184:85, which shall be credited to the public health services special fund.

(q) Money received under RSA 206:42, IV which shall be credited to the search and rescue reimbursement account.

### 3 Appropriation.

I. The sum of \$5,000 is hereby appropriated to the department of fish and game for the initial purchase of the souvenir cards authorized in section 1 of this act. This appropriation shall be from the fish and game fund.

II. The fish and game fund shall be reimbursed from the sales of the souvenir cards. With the approval of the fiscal committee of the legislature, the executive director of the department of fish and game may purchase additional cards or different cards for other sites; and such sums as may be required for such purchases are hereby appropriated, from the fish and game fund and any sums appropriated shall be reimbursed from the special account established pursuant to RSA 206:42, IV.

4 Effective Date. This act shall take effect 60 days after its passage.

HB 359, transferring administration of old age and survivors insurance from the division of welfare to the board of trustees of the New Hampshire retirement system. Ought to Pass with Amendment.

Although none of the agencies testifying desired to administer this program, the Committee felt the Treasurer's Office was the proper conduit for these funds. Administrative costs are allocated and billed to the reporting entity. Vote 16-0. Rep. Margaret A. Ramsay for Appropriations.

### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

### AN ACT

transferring administration of old age and survivors insurance from the division of welfare to the state treasurer.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Transfer of Administration. Amend RSA 101:2, IV by striking out said paragraph and inserting in place thereof the following:

IV. The term "state agency" means the state treasurer and includes any division or unit within the state treasurer's office created for the purposes of administering this chapter and to which the state treasurer has delegated any of his functions under this chapter, or any other agency duly designated to administer the provisions of this chapter by the governor and council in accordance with RSA 124:5;

2 Cross Reference; Treasurer. Amend RSA 101:6, IV by striking out said paragraph and inserting in place thereof the following:

IV. The state agency shall be treasurer and custodian of the contribution fund. He shall administer the fund and pay all warrants drawn upon it in accordance with the laws of this state, the provisions of this chapter and any rules adopted hereunder.

### 3 Cross Reference; Appropriations.

Amend RSA 101:13 as inserted by 1955, 301, part III:4 by striking out said section and inserting in place thereof the following:

101:13 Biennial Appropriations. On or before the first day of October next preceding each regular session of the legislature, the state agency shall certify to the comptroller the amounts which will become due and payable by the state into the contribution fund during the biennium next following on account of the modification of agreement authorized by RSA 101:11, and it shall be the duty of the comptroller in preparing the executive budget for the ensuing biennium to include in the budget the amounts so certified, which amounts shall be appropriated by the legislature. The state agency shall from time to time certify to the comptroller the amount of such appropriation for such year which is at that time required to be paid into the contribution fund. The governor and council shall seasonably thereafter draw a warrant or warrants for the amounts so certified; and the state agency upon the receipt of such warrant shall forthwith transfer the amounts specified therein to the contribution fund.

### 4 Cross Reference; Transfer of Funds.

Amend RSA 101:19 as inserted by 1957, 48:7 by striking out said section and inserting in place thereof the following:

101:19 Biennial Appropriations. On or before the first day of October next preceding each regular session of the legislature, the state agency shall certify to the comptroller the amounts which will become due and payable by the state into the contribution fund during the biennium next following on account of the modification of agreement authorized by RSA 101:17, and it shall be the duty of the comptroller in preparing the executive budget for the ensuing biennium to include in the budget the amounts so certified, which amounts shall be appropriated by the legislature. The state agency shall from time to time certify to the comptroller the amount of such appropriation for such year which is at that time required to be paid into the contribution fund. The governor and council shall seasonably thereafter draw a warrant or warrants for the amounts so certified; and the state agency upon the receipt of such warrant shall forthwith transfer the amounts specified therein to the contribution fund.

### 5 Rules and Agreements.

On the effective date of this act, any rules adopted by the commissioner of health and welfare under RSA 101, any agreements entered into by the commissioner of health and welfare as authorized by RSA 101 and any plans approved by the commissioner of health and welfare as authorized by RSA 101 shall continue in full force and effect as if they had been adopted, entered into or approved, respectively, by the state treasurer and shall remain in full force and effect until changed, amended or revised by the treasurer as allowed under powers given to him under this act.

6 Transfer. All of the functions, powers, duties, records, appropriations and

accounts of the division of welfare relative to old age and survivors insurance are hereby transferred to the state treasurer.

### 7 Personnel.

I. The following positions are hereby transferred from the division of welfare to the state treasurer:

(a) Internal auditor I, position number 5393.

(b) Accountant I, position number 6066.

(c) Accounting technician, position number 5001.

II. The classified position of supervisor, social security is hereby created within the office of the state treasurer.

8 Effective Date. This act shall take effect 60 days after its passage.

HB 641-FN, requiring the state of New Hampshire to pay interest on all bills and obligations of the state paid more than 45 days after payment was due. Inexpedient to Legislate.

This bill was presented to mandate the state of New Hampshire to pay 8 percent interest on vendors' bills paid more than 45 days after payment due. The small businessmen recommended this action. The Committee felt that this bill would increase the expenses to the state. Vote 16-0. Rep. Margaret A. Ramsay for Appropriations.

SB 8, relative to large town water pollution grants. Ought to Pass.

This bill allows towns with a population of 24,000 or more to be eligible for state contributions of 20% if they decide to proceed without federal funding for wastewater treatment facilities. Vote 13-0. Rep. Leander W. Burdick for Resources, Recreation and Development.

HB 224-FN, amending the distribution of the state meals and room tax. Inexpedient to Legislate.

The Committee was not in favor of a change in the existing rooms and meals tax distribution formula, and could see no real erosion of proceeds from this tax to cities and towns. Vote 15-0. Rep. Earle D. Hardy for Ways and Means.

HB 262-FN, requiring that motor vehicle fines and forfeitures shall be deposited into the state general fund. Inexpedient to Legislate.

This bill is covered by other legislation. Vote 18-0. Rep. Marjorie Y. Peters for Ways and Means.

HB 300-FN, allowing stepchildren and their spouses to inherit tax-free from a stepparent and to bequeath tax-free to a stepparent. Ought to Pass.

The Committee agreed that times have changed. It is very possible the only parent a child has known is a stepparent, and it appears fair they should be entitled to inherit without paying the Legacy and Estate Tax. Vote 15-0. Rep. Marjorie Y. Peters for Ways and Means.

HB 302-FN, providing credits for legacy and succession taxes paid on prior transfers between brothers and sisters. Inexpedient to Legislate.

The Committee felt this bill would result in a substantial loss of revenue, and therefore should not be considered at this time. Vote 12-3. Rep. W. Douglas Scamman for Ways and Means.

HB 418-FN, establishing a diesel fuel tax study commission. Ought to Pass with Amendment.

The amendment strikes the appropriation. The Committee felt the study was important and should be done in House without an appropriation. Vote 19-0. Rep. W. Douglas Scamman for Ways and Means.

#### Amendment

Amend the bill by striking out section 2 and renumbering section 3 to read as section 2.

HB 523-FN, amending the meals and rooms tax and certain powers of the collections division of the department of revenue administration. Ought to Pass with Amendment.

The bill as amended gives precedence to holders of first and second mortgages over the Department of Revenue Administration. The Commissioner concurs with this. In addition, the amendment limits bonding to one year. Bonds are not available for a longer period. Vote 16-0. Rep. Marjorie Y. Peters for Ways and Means.

#### Amendment

Amend the bill by striking out section one and inserting in place thereof the following:

1 Precedence of Prior Recorded First and Second Mortgage Over Uncollected Taxes. Amend RSA 71-A:29 (supp) as inserted by 1975, 439:3 by striking out said section and inserting in place thereof the following:

71-A:29 Collections Division. The collections division shall be responsible for collecting all outstanding taxes administered by the department and owed to the state and for securing all delinquent returns required to be filed with the state by any taxpayer. The division shall collect property, resident and timber severance taxes for unincorporated places and unorganized towns under RSA 79 and 81. In the exercise of its powers and duties, the division shall have the powers of a tax collector under RSA 80, except that state taxes administered by the department which are outstanding shall not take precedence over prior recorded first and second mortgages.

Amend RSA 78-A:8-b, II as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

II. The surety on such bond shall be discharged from the liability accruing on the bond after the expiration of 60 days from the date on which the surety shall have lodged with the department a written request

to be so discharged; but such request shall not discharge such surety from any liability already accrued or which shall accrue before the expiration of said 60 day period. The duration of surety bonds shall be for one year only, unless the requirement is cancelled or revised by the commissioner or his designee before the expiration of the one year period.

Amend the bill by striking out section 6 and inserting in place thereof the following: 6 Effective Date.

I. Section 1 of this act shall take effect upon its passage.

II. Sections 2, 3, and 4 of this act shall take effect July 1, 1983.

Amend the bill by striking out section 2 and renumbering sections 3-6 to read as 2, 3, 4, and 5 respectively.

HB 572-FN, creating a uniform interest rate penalty for the late filing of tax returns. Ought to Pass with Amendment.

HB 572, as amended, sets the interest rate charged by the Department of Revenue Administration at 15% or 1-1/4% per month. At present, the Department's interest rates are tied to the federal interest rates which change twice a year, requiring reprinting of forms. Keeping the rate high encourages timely payment. Vote 15-1. Rep. Marjorie Y. Peters for Ways and Means.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

creating a uniform interest rate penalty for the late filing of tax returns, and amending exceptions to the penalty for the underpayment of estimated tax.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Interest on Underpayment of Estimated Tax; Change in Percentage Rate. Amend RSA 71-A:37 (supp) as inserted by 1975, 439:3 as amended by striking out said section and inserting in place thereof the following:

71-A:37 Penalty for Underpayment of Estimated Tax.

I. Except as provided in paragraph IV, in the case of any underpayment of estimated tax by a business organization, there shall be added to the tax for the taxable year an amount determined at the rate of 1-1/4 percent per month on the amount of the underpayment for the period of the underpayment.

II. For the purposes of paragraph I, the amount of the underpayment shall be the excess of:

(a) The amount of the installment which would be required to be paid if the estimated tax were equal to 90 percent of the tax shown on the return for the taxable year or, if no return was filed, 90 percent of the tax for such year; over



(b) The amount, if any, of the installment paid on or before the last date prescribed for payment.

III. The period of the underpayment shall run from the date the installment was required to be paid under RSA 77-A:7, I to whichever of the following dates is the earlier:

(a) The due date of the return required by RSA 77-A:6, I;

(b) With respect to any portion of the underpayment, the date on which such portion is paid. For purposes of this paragraph, a payment of estimated tax on any installment date shall be considered a payment of any previous underpayment only to the extent such payment exceeds the amount of the installment determined under subparagraph II(a).

IV. Notwithstanding the provision of paragraphs I, II, and III, and subject to the special rule for larger business organizations provided in paragraph V, the penalty with respect to any installment shall not be imposed if the total amount of all payments of estimated tax made on or before the last date prescribed for the payment of such installment equals or exceeds the amount which would have been required to be paid on or before such date if the estimated tax were whichever of the following is the lesser:

(a) The tax shown on the return of the business organization for the preceding taxable year if a return showing a liability for tax was filed by the business organization for the preceding taxable year and such preceding year was a taxable year of 12 months.

(b) An amount equal to the tax computed at the rates applicable to the taxable year but otherwise on the basis of the facts shown on the return of the business organization for, and the law applicable to, the preceding taxable year.

(c)(1) An amount equal to 90 percent of the tax for the taxable year computed by placing on an annualized basis the taxable income:

A. For the first 3 months of the taxable year in the case of the installment required to be paid in the fourth month,

B. For the first 3 months or for the first 5 months of the taxable year in the case of the installment required to be paid in the sixth month,

C. For the first 6 months or for the first 8 months of the taxable year in the case of the installment required to be paid in the ninth month, and

D. For the first 9 months or for the first 11 months of the taxable year, in the case of the installment required to be paid in the twelfth month of the taxable year.

(2) For purposes of this paragraph, the taxable income shall be placed on an annualized basis by:

A. Multiplying by 12 the taxable income referred to in subparagraph IV(c)(1), and

B. Dividing the resulting amount by the number of months in the taxable year, whether 3, 5, 6, 8, 9, or

11, as the case may be, referred to in subparagraph IV(c)(1).

V. Large business organizations shall pay a minimum percentage of current year tax as follows:

(a) For taxable years beginning before 1984, in the case of a large business organization, the amount treated as the estimated tax for the taxable year under subparagraphs IV(a) and (b) shall in no event be less than 75 percent of:

(1) The tax shown on the return for the taxable year, or

(2) If no return was filed, the tax for such year.

(b) For taxable years beginning after 1983, in the case of a large business organization, subparagraphs IV(a) and (b) shall not apply.

(c) For the purposes of this paragraph, the term "large business organization" means any business organization defined in RSA 77-A:1, I if such business organization, or any predecessor business organization, had taxable income of \$1,000,000 or more for any taxable year during the testing period. For the purposes of this subparagraph, the term "testing" means the 3 taxable years immediately preceding the taxable year involved.

2 Amount of Interest on Reassessment; Interest and Dividends. Amend RSA 77:24 (supp) as amended by striking out said section and inserting in place thereof the following:

77:24 Reassessment by Department of Revenue Administration. The department of revenue administration shall reassess the amount of the tax in every case in which it appears in the examination of the returns that the amount paid is either higher or lower than the actual tax due. The department shall notify the taxpayer of any corrections made. If the department of revenue administration determines a deficiency, the amount of said deficiency and interest at the rate of 1-1/4 percent per month from the original due date shall be forwarded by the taxpayer to the department of revenue administration within 15 days from the date of the required notice. If the reassessment results in a determination of overpayment, the amount of the excess shall be repaid to the taxpayer in the manner provided by RSA 77:27. All assessments made under this section shall be subject to the same right of appeal as provided in RSA 77:25, and nothing contained in this section shall be construed to limit the power of the commissioner of revenue administration to make a later assessment under RSA 71-A:34 and to seek penalties for fraudulent returns as provided by RSA 77:30.

3 Interest Rate Changed; Business Profits. Amend RSA 77-A:7-a (supp) as inserted by 1975, 439:29 as amended by striking out said section and inserting in place thereof the following:

77-A:7-a Interest. Any business organization which fails to make payment when due shall pay interest computed at the rate of 1-1/4 percent per month from the prescribed payment date to the date payment is actually made.



#### 4 Extension of Time for Business

Profits Tax Returns; Interest Rate Changed. Amend RSA 77-A:9 (supp) as inserted by 1970, 5:1 as amended by striking out said section and inserting in place thereof the following:

##### 77-A:9 Extension of Time for Returns.

For good cause, the commissioner may extend the time within which a taxpayer is required to file a return. If such return is filed during the period of extension, no penalty or late payment charge may be imposed for failure to file the return at the time required by this chapter; but the taxpayer shall be liable for interest at the rate of 1-1/4 percent per month on payments not made when they otherwise would be due but for the grant of extension.

5 Adjustment in Business Profits Tax; Change in Interest Rate. Amend RSA 77-A:13, III (supp) as inserted by 1970, 5:1 as amended by striking out said section and inserting in place thereof the following:

III. After hearing, if requested by the taxpayer, the commissioner shall affirm or shall increase or decrease the tax theretofore assessed. Any increase ordered by the commissioner shall be assessed against the taxpayer and shall carry interest at the rate of 1-1/4 percent per month from the date originally due. Any decrease ordered by the commissioner shall, with interest pursuant to RSA 71-A:39 from the date the tax was paid, be credited against any unpaid tax then due from the taxpayer; and any balance due the taxpayer shall be certified to the state treasurer who shall pay the balance to the taxpayer. Such credit and payment together may not exceed the amount of the tax originally paid.

6 Tobacco Tax Stamps; Interest Rate. Amend RSA 78:9, II (supp) as inserted by 1977, 200:2 as amended by striking out said paragraph and inserting in place thereof the following:

II. Any manufacturer, wholesaler, sub-jobber, vending machine operator, or retailer who fails to pay any amount owing to the purchase of stamps or meter-registered settings within the time required shall pay, in addition to the amount, interest at the rate of 1-1/4 percent per month from the date on which the amount becomes due and payable until the date of payment.

7 Rooms and Meals Tax Interest; Change in Rate. Amend RSA 78-A:16 (supp) as inserted by 1967, 213:1 as amended by striking out said section and inserting in place thereof the following:

78-A:16 Interest. Any person who fails to pay any tax imposed by this chapter on or before the date when the tax is required to be paid shall pay interest on the tax at the rate of 1-1/4 percent per month if the tax remains unpaid, to be calculated from the date the tax was required to be paid. All interest is payable to and recoverable by the commissioner of revenue administration in the same manner as is the tax imposed by this chapter. For a reasonable cause the commissioner may abate all or any part of the interest.

8 Petroleum Products Tax Adjustments; Change in Interest Rate. Amend RSA 78-C:7, III (supp) as inserted by 1974, 39:4 as

amended by striking out said paragraph and inserting in place thereof the following:

III. After hearing, if requested by the taxpayer, the commissioner shall affirm or shall increase or decrease the tax heretofore assessed. Any increase ordered by the commissioner shall be assessed against the taxpayer and shall carry interest at the rate of 1-1/4 percent per month from the date originally due. Any decrease ordered by the commissioner shall, with interest pursuant to RSA 71-A:39 from the date the tax was paid, be credited against any unpaid tax then due from the taxpayer; and any balance due the taxpayer shall be certified to the state treasurer who shall pay the balance to the taxpayer; but such credit and payment together may not exceed the amount of the tax originally paid.

9 Railroads and Utility Tax Interest; Change in Rate. Amend RSA 82:23 (supp) as amended by striking out said section and inserting in place thereof the following:

82:23 Interest. If any tax is not paid when due, interest at the rate of 1-1/4 percent per month shall be added to the tax from that date until the time of payment.

10 Franchise Tax Interest; Change in Rate. Amend RSA 83-B:18 (supp) as amended by striking out said section and inserting in place thereof the following:

83-B:18 Interest. If any tax or addition to tax under RSA 83-B:13 is not paid when due, interest at the rate of 1-1/4 percent per month shall be added to it from the date due until the time of payment.

11 Bank Tax Interest; Change in Rate. Amend RSA 84:19 (supp) as amended by striking out said section and inserting in place thereof the following:

84:19 Interest. If any such corporation shall not pay its taxes when due, it shall pay interest on such taxes at the rate of 1-1/4 percent per month from the date the taxes are due until the date they are actually paid.

12 Legacy and Succession Tax Interest; Change in Rate. Amend RSA 86:56 (supp) as amended by striking out said section and inserting in place thereof the following:

86:56 Interest. If the taxes are not paid when due, interest shall be paid at the rate of 1-1/4 percent per month from the time the taxes are due until the time they are actually paid.

13 Interest Rate on Estate Tax. Amend RSA 87:2 (supp) as amended by striking out said section and inserting in place thereof the following:

87:2 When Payable. The New Hampshire estate tax shall be payable to the department of revenue administration at the same time or times at which the United States estate tax is payable and shall bear interest, if any, at the rate of 1-1/4 percent per month for the same period as such United States tax.

14 Transfer Tax Interest; Change in Rate. Amend RSA 89:17 (supp) as amended by striking out said section and inserting in place thereof the following:

89:17 When Due and Payable; Transfers Before Death. The taxes upon transfers made before death shall be due upon the death of the grantor or donor. If they are not paid within 15 months, such taxes shall be

subject to interest at the rate of 1-1/4 percent per month, after the expiration of the period, until paid.

15 Repeal. RSA 71-A:11, XIII, relative to the duty of the commissioner of revenue administration to determine the interest rate to be paid on unpaid taxes, is hereby repealed.

16 Effective Date. This act shall take effect July 1, 1983.

HB 626-FN, permitting deductions for qualified charitable and research contributions from the business profits tax. Ought to Pass.

This bill permits deductions for qualified charitable and research contributions (such as computer, scientific equipment or apparatus) from the Business Profits Tax to be used to educate New Hampshire students in mathematics and science. Vote 18-0. Rep. Barbara E. Arnold for Ways and Means.

HB 632, to make public the tax rate for cities and towns by October 25 of each year. Inexpedient to Legislate.

The Committee felt this was not administratively possible. Vote 17-0. Rep. W. Douglas Scamman for Ways and Means.

HB 719-FN, requiring the board of tax and land appeals to tape record hearings and make the tape available to the public. Ought to Pass with Amendment.

At present, there are no official notes kept of hearings before the Board of Taxation. If the case is appealed to the Superior or Supreme Court, there is no official record of citations of law. Vote 14-3. Rep. W. Douglas Scamman for Ways and Means.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Recording of Hearings. Amend RSA 71-B:7 (supp) as inserted by 1973, 544:2 as amended by striking out said section and inserting in place thereof the following:

71-B:7 Hearing Procedure. Whenever the board shall hold hearings, it shall not be bound by the strict rules of evidence adhered to in the superior courts in this state. The board shall introduce into evidence and may take into consideration in determining any question any information obtained through its own investigation, including information obtained by persons employed under RSA 71-B:14. In addition to the provisions of RSA 91-A, the board shall tape record the proceedings of any taxation hearing before it and shall make such tape recording available to the public for inspection and recording from the date of the hearing to a date which is 15 working days after the board has made a final decision on the matter which is the subject of the hearing, or, if an appeal is made from such decision, the date upon which the matter has been finally adjudicated, whichever date is later.

HB 723-FN, relative to the board of tax and land appeals. Ought to Pass.

This bill is housekeeping. It regularizes fees in land appeals and gives the Board of Tax and Land Appeals exclusive authority to hear appeals relating to most state taxes and municipal and property taxes. Justice Dunfee sees this as a method of unclogging the court while protecting the rights to appeal. Rep. W. Douglas Scamman for Ways and Means.

#### SUSPENSION OF RULES

Reps. Rounds and Spirou moved that Joint Rule 10, be so far suspended as to allow the Committee on Appropriations to act at a later date.

Reps. Rounds, Spirou, Kidder and Scamman spoke in favor of the motion.

Adopted by the necessary two-thirds.

#### ENROLLED BILLS REPORT

HB 123, relative to sunset review of the higher education fund - industrial and institutional development.

HB 166, relative to taking wild black bear.

HB 168, relative to wild turkey permit revenues and revenues for trapping education.

HB 193, establishing the second week of October as earth care week.

HB 212, relative to signs for handicapped parking.

SB 13, increasing the fee for a pheasant stamp and setting the season for taking pheasant.

Rep. Francis Donovan  
Sen. John P.H. Chandler  
For the Committee.

Rep. Rounds offered the following resolution:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 145, 164, 205, 93, 49, 168, 217, 193, 211, 123, 200, 142, 198, 180, 90, 99, 108, 210, 59, 141, 143, 165, 167, 150, 189, 129, 2, 157, 126, 219, 178, 152, 149, 137, 204, 194, 135, 134, 60, 3, 151, 177, 184, 79, 112, 113, 115, 176 and 110 shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 145-FN, relative to licensee and permit violations of certain liquor commission laws and rules. (Judiciary)

SB 164, to provide that the term of the chairman of the liquor commission shall be coterminous with the term of the governor. (Executive Departments and Administration)

SB 205-FN, requiring operators to make monthly returns and payments under the meals and rooms tax. (Ways and Means)

SB 93, to allow people consuming liquor at bowling alleys to carry their drinks from

lounge or grill areas into spectator areas for consumption. (Regulated Revenues)

SB 49, permitting the hunting of wild boar with a limit of one boar per hunter per season. (Fish and Game)

SB 168-FN, relative to the licensing of alarm installers. (Executive Departments and Administration)

SB 217, relative to the election laws. (Statutory Revision)

SB 193-FN, providing for suggestions and incentive awards. (Labor, Human Resources and Rehabilitation)

SB 211, relative to bad checks. (Judiciary)

SB 123, relative to holding executive sessions under the right to know law. (Judiciary)

SB 200, relative to political activities by classified and unclassified state employees. (Statutory Revision)

SB 142, relative to the dental practice act. (Health and Welfare)

SB 198, relative to the regulation of barbers and cosmetologists. (Executive Departments and Administration)

SB 180, relative to senate redistricting. (Statutory Revision)

SB 90-FN, authorizing the establishment of a reserve fund to meet the expenses of educating educationally handicapped children. (Education)

SB 99, amending the charters of the university system of New Hampshire and Mary Hitchcock hospital. (Education)

SB 108, relative to the powers of the board of education of the union school district of Keene, subject to approval by local referendum. (Education)

SB 210-FN, providing for an appropriation to the New Hampshire constitution bicentennial education commission. (Education)

SB 59-FN, placing a surcharge on all hunting licenses to establish a deer management program. (Fish and Game)

SB 141-FN, reinstating the option of appealing to the superior court in lieu of appealing to the board of tax and land appeals. (Judiciary)

SB 143-FN, making several changes in the criminal law and relative to the suspension of a person's driver's license or driving privilege for failure to appear or pay a fine. (Judiciary)

SB 165, relative to the execution of wills. (Judiciary)

SB 167, establishing an advisory commission on rules of evidence. (Judiciary)

SB 150-FN, relative to hawk and peddler licenses. (Executive Departments and Administration)

SB 189, relative to the election of the members of the county convention. (Municipal and County Government)

SB 129, relative to the housing finance authority. (Commerce, Housing and Consumer Affairs)

SB 2, relative to the child care act and termination of parental rights. (Health and Welfare)

SB 157-FN, to license independent clinical social workers. (Executive Departments and Administration)

SB 126, relative to the number of signatures for a representative election for

public employees. (Labor, Human Resources and Rehabilitation)

SB 219, relative to voting by citizens who live overseas. (Statutory Revision)

SB 178, relative to apportioning delegates voted for at the presidential primary to the national party conventions. (Statutory Revision)

SB 152-FN, granting authority to the office of state planning to accept and expend community development block grant funds. (Resources, Recreation and Development)

SB 149, authorizing the disposition of land and buildings occupied by the United States National Guard Armory in Manchester, New Hampshire. (Public Works)

SB 137-FN, relative to an increase in recording charges. (Judiciary)

SB 204, relative to county commissioner districts in Coos County. (Municipal and County Government)

SB 194, relative to dry cleaning establishments. (Commerce, Housing and Consumer Affairs)

SB 135-FN, to permit town workers who are members of the New Hampshire retirement system to withdraw from the system without jeopardizing the membership of other town workers in the system. (Executive Departments and Administration)

SB 134-FN, relative to the payments by towns and cities to counties. (Municipal and County Government)

SB 60, providing a referendum to discontinue the office of the city manager in the city of Berlin. (Municipal and County Government)

SB 3, recodifying the state planning and zoning laws. (Municipal and County Government)

SB 151-FN, relative to the payment of unpaid fines relating to violations, misdemeanors and felonies. (Judiciary)

SB 177, relative to the sale of deadly weapons to minors. (Judiciary)

SB 184, prohibiting employers from using or giving truth sensing devices to employees as a condition of employment. (Labor, Human Resources and Rehabilitation)

SB 79, relative to disclosure of security takeovers. (Commerce, Housing and Consumer Affairs)

SB 112, relative to the establishment of jurisdiction over certain health insurers. (Commerce, Housing and Consumer Affairs)

SB 113-FN, relative to domestic and foreign insurers. (Commerce, Housing and Consumer Affairs)

SB 115, relative to major medical insurance policies. (Commerce, Housing and Consumer Affairs)

SB 176-FN, relative to insurance coverage for residential psychiatric treatment. (Commerce, Housing and Consumer Affairs)

SB 110, establishing a state historic marker commission. (Executive Departments and Administration)

### THREE LEGISLATIVE DAY EXTENSION GRANTED

SB 47, allowing military recruiters access to all public or publicly funded schools.

COMMITTEE REPORTS (cont.)  
(Regular Calendar)

HB 243-FN, authorizing the purchase of miscellaneous equipment and building repairs for the department of fish and game and making an appropriation therefor. Ought to Pass with Amendment.

The amendment limits the time of the bond issue to five years. Vote 15-3.  
Rep. Paul I. LaMott for Appropriations.

Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:  
3 Payment. The principal and interest on the bonds or notes issued pursuant to section 2 of this act shall be a charge against the fish and game fund. The bonds issued hereunder shall have a 5 year maturity date from the date of issue.

Amend the bill by striking out section 4 and inserting in place thereof the following:  
4 Repeal. In the event HB 500 of the 1983 session as passed by the house of representatives becomes law, section 61 of that act is hereby repealed.

5 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.  
Ordered to third reading.

HB 244-FN, to provide additional funds for the purchase of alcohol breath testing equipment and supplies. Ought to Pass.  
These additional funds were necessary due to the recent Supreme Court decision requiring additional new machines in the field. Vote 17-0. Rep. Paul I. LaMott for Appropriations.

Ordered to third reading.

HB 291-FN, establishing a special education revolving loan fund and making an appropriation therefor. Inexpedient to Legislate.

The Committee feels that the state should not sell bonds for this purpose. Vote 15-1. Rep. Andrea A. Scranton for Appropriations.

Reps. Scranton and Chambers moved that HB 291 be recommitted to the Committee on Appropriations.  
Reps. Scranton and Chambers spoke to the motion.

Adopted.  
HB 291 was recommitted to the Committee on Appropriations.

HB 400, making appropriations for capital improvements. Ought to Pass with Amendment.

The Committee amendment clarifies the capital budget wording, and adds a Liquor Commission air conditioner. Vote 11-6. Rep. Paul I. LaMott for Appropriations.

Amendment

Amend paragraph VI, A of section 1 of the bill by striking out same and inserting in place thereof the following:

A. Ski lift capital repairs and replacement \$900,000\*

Amend paragraph VI of section 1 of the bill by striking out all after subparagraph C and inserting in place thereof the following:

D. Repairs to seacoast parking areas (guard rail for seacoast parking area, constructed of wood posts and Corten.) \$180,000\*

E. Fish handling facility at Portsmouth commercial fishing pier \$150,000

(No part of this appropriation may be obligated or spent until a lease for the facility has been executed in form satisfactory to the attorney general and to the governor and council, providing lease payments to the state of an amount sufficient to amortize, under a 20-year bond issue, state funds expended for this project.)

Total Paragraph VI \$1,680,000

Amend section 1 of the bill by inserting after paragraph X the following new paragraph:

XI. Liquor Commission - electrical/new reciprocating air conditioning equipment \$ 65,000

Total paragraph XI \$ 65,000

Amend the total state appropriation for section 1 of the bill by striking out same and inserting in place thereof the following:

Total state appropriation section one \$14,810,675

Amend section 5 of the bill by striking out same and inserting in place thereof the following:

5 Expenditures; General. The appropriation made for the purposes mentioned in sections 1, 3 and 4 and the sums available for those projects shall be expended by the trustees, commissions, commissioner, or department head of the institutions and departments referred to herein, provided that all contracts and projects and plans and specifications therefor shall be awarded in accordance with the provisions of RSA 228.

Amend section 8 of the bill by striking out same and inserting in place thereof the following:

8 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in sections 1, 2, 3, and 4 of this act, the state treasurer is hereby



authorized to borrow upon the credit of the state not exceeding the sum of \$17,306,675 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A; provided, however, that the bonds issued for the purpose of funding all priority maintenance projects have a maturity of 5 years from date of issue.

Amend the bill by striking out section 21 and inserting in place thereof the following:

21 Lapse Date. The appropriation made by 1979, 435:1, II, C is hereby extended until June 30, 1984.

22 Effective Date. This act shall take effect July 1, 1983.

Amend the bill by inserting after section 11 the following new section, and by renumbering the original sections 12 - 22 to read as 13, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23 respectively:

12 DRED; Federal Funds. The department of resources and economic development may accept and expend federal funds which may be available through the Department of the Interior, Heritage, Conservation and Recreation Service. Any funds accepted under this provision are hereby appropriated to projects under paragraph VI of section 1 of this act.

Rep. LaMott yielded to questions.  
Amendment adopted.

Rep. Spirou moved that HB 400 be recommitted to the Committee on Appropriations and spoke to his motion.

Rep. LaMott spoke against the motion, yielded to questions and yielded to Rep. Bibbo who yielded to questions.

Reps. Chase and Peter Ramsey spoke in favor of the motion.

Rep. Bibbo spoke against the motion and yielded to questions a second time.

Reps. Murphy and Kidder spoke against the motion.

Rep. Townsend moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 158 NAYS 178

YEAS 158

BELKNAP: Bolduc, Bowler, Gary Dionne, Golden, Robert Hawkins and Zeckhausen.

CARROLL: Chase, Heath and Saunders.

CHESHIRE: Barber, Boulter, Eugene Clark, Crame, Daniel Eaton, Eisengrein, Hickey, Matson, David Meader and William Riley.

COOS: Brideau, Coulombe, Langley, Theriault, Valliere and York.

CRAFTON: Chambers, Copenhaver, Crory, Densmore, Duggan, Girouard, Michael King, Wayne King, Stewart and Weymouth.

HILLSBOROUGH: Debora Ahern, Richard Ahern, Ahlgren, Baker, Bergeron, Boutwell, Brack,

Burkush, Charbonneau, Cote, Cronin, William Dion, Dupont, Duprey, Joseph Eaton, Gagnon, Galway, Gelinas, George Hawkins, Hendrick, Humphrey, Jean, Kashulines, Katsiaficas, Evelyn King, Lamy, Leclerc, Lynde, Lyons, McGlynn, Migneault, Morrisette, Nelson, O'Rourke, Parmenter, Pressly, Quinn, Raiche, Peter Ramsey, Reidy, Resch, Robie, Roy, Soucy, Spirou, Talbot, Turgeon, John Wallace, Ware, Wells, Kenneth Wheeler, Robert Wheeler, Winn and Zajdel.

MERRIMACK: Bardsley, Samuel Clark, Daniell, Kinhan, Arthur Locke, Mercier, Pannell, Parrish, Louise Roberts, Walter Robinson, Savaria and Gerald R. Smith.

ROCKINGHAM: Bangs, Belanger, Beliveau, Blaisdell, Blanchette, Carpenito, Case, Connors, Cotton, Cressy, Drake, Ellyson, Hollingworth, John Hynes, Glenden Kelley, Kozacka, Krasker, Leslie, LoFranco, Joseph MacDonald, Newman, Pantelakos, Rosencrantz, Sherburne, Splaine, Warburton and Raymond Wood.

STRAFFORD: Banks, Belhumeur, Bernard, Blouin, Bouchard, Chagnon, Chisholm, Couture, Demers, Albert Dionne, Fielding, Flynn, Hamel, Hennessey, Hussey, Joos, Lussier, Masler, Pelley, Schreiber, Gerald L. Smith, Timm and Ralph Torr.

SULLIVAN: Brodeur, Carlson, Converse, D'Amante, Irwin, Paul Johnson and Susan Lawrence.

NAYS 178

BELKNAP: Birch, Dexter, French, Hardy, Holbrook, Lamprey, Pearson, Randall and David Whittemore.

CARROLL: Ashnault, Dickinson, Hraba, Kenneth MacDonald, McIntire, Murphy and Powers.

CHESHIRE: Davis, Gordon, Grodin, Lane, Morse, Parker, Perkins, Perry, Margaret Ramsay and Scranton.

COOS: Harold Burns, Chappell, Chardon, Guay, Horton, David King, George Lemire and Oleson.

CRAFTON: Blair, Christy, Driscoll, Easton, Harnish, Hutchings, LaMott, Logan, Mann, McAvoy, Rounds, Stevens, Walter, Ward and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Arris, Bass, Bolan, John Burns, Leslie Burns, Carragher, Craig, Donovan, Clyde Eaton, Fields, Ford, Grasso, Grip, Harrington, Head, Keefe, Robert Kelley, John Lawrence, Lefebvre, Levesque, Martineau, Howard Mason, Nute, Paradis, Marjorie Peters, Ellen-Ann Robinson, Russell, Silva, B. P. Smith, Leonard Smith, Steiner, Stylianos, Mary Sullivan, Tamposi, Van Loan, Wagner, Geraldine Watson, Harold Watson, Emma Wheeler, Eleanor Whittemore and M. Arnold Wright.



MERRIMACK: Allgeyer, Anderson, Bibbo, Laurent Boucher, Bowes, Cate, Dean, Degnan, Gross, Jacobson, Kidder, LaBranche, Lewis, McDonnell, Nichols, Phelps, Doris Riley, William Roberts, Rogers, Shepard, Stark, Stio, Lawrence Sullivan, Underwood and James Whittemore.

ROCKINGHAM: Ames, Benton, Blake, William Boucher, Burdick, Butler, Campbell, Danderson, Day, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Greene, Gregorio, Joslyn, Kane, Katsakiores, Roger King, Lovejoy, Mace, Malcolm, Robert Mason, William Moore, Nagel, Nevins, Newell, Palumbo, Parr, Pevear, Popov, Romoli, Scamman, Schmidtchen, Schwaner, Skinner, Sloan, Sochalski, Stork, Sytek, Tavitian, Tufts, Vartanian, Webster and Woodward.

STRAFFORD: Appleby, Chamberlin, Dingle, Robert Jones, Kincaid, Francis Robinson, Sackett and Franklin Torr.

SULLIVAN: Cutting, Flint, Gray, Ingram, Palmer, Reney and Townsend, and the motion lost.

Question being on the Committee report as amended.

Adopted.

Ordered to third reading.

Rep. Barber notified the Clerk that he wished to be recorded against HB 400.

HB 245-FN, amending the disposition of transfer tax funds. Refer for Interim Study. Purchase of the agricultural rights to prime farmland is being funded by bonds. The Committee would like to keep this bill alive to find an ongoing source of revenue for this project. Vote 18-0. Rep. Marjorie Y. Peters for Ways and Means.

Referred for Interim Study.

HB 317-FN, amending the business profits tax by limiting the depreciation deduction to the amount allowable before the Economic Recovery Tax of 1981. Ought to Pass with Amendment.

The Committee recognizes that there has been a negative impact on the Business Profits Tax revenues caused by the passive acceptance of federal tax policy on depreciation. This bill changes the treatment of depreciation to what it was prior to the 1981 federal tax changes, and helps protect present revenue estimates. New Hampshire would join 25 other states which have chosen to protect their revenues from eroding as a result of the accelerated depreciation law. Vote 10-8. Rep. W. Douglas Scamman for Ways and Means.

Amendment

Amend the bill by striking out section one and inserting in place thereof the following:

1 Depreciation Deduction from Gross Business Profits. Amend RSA 77-A by inserting after section one the following new section:

77-A:1-a Adjustment to Gross Business Profits. For the 1983 tax year, in the case of a business organization whose tax liability under this chapter is based upon a taxable year ending on or after July 1, 1983, and for the 1984 tax year, a business organization shall adjust its gross business profits, as defined in RSA 77-A:1, III, by adding an amount equal to 20 percent of the amount by which its gross business profits for the taxable year were reduced by any accelerated depreciation taken on its federal income tax returns under the provisions of the United States Internal Revenue Code (1954) as amended effective after December 31, 1980.

Amendment adopted.

Ordered to third reading.

HB 228-FN, relative to the sweepstakes fund. Inexpedient to Legislate.

A majority of the Committee felt that any change in the present status of the use of sweepstakes money would be better done in the supplemental budget. Vote 12-4. Rep. Andrea A. Scranton for Appropriations.

Rep. Michael King moved that HB 228 be recommitted to the Committee on Appropriations.

Rep. Kidder spoke to the motion. Motion adopted.

HB 267-FN, relative to distribution from the sweepstakes fund. Inexpedient to Legislate.

The Committee felt this subject matter is now covered by other legislation. Vote 18-0. Rep. W. Douglas Scamman for Ways and Means.

Rep. Daniell moved that the words, Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate, and spoke to his motion.

Rep. Flint spoke against the motion and yielded to questions.

Rep. Scamman spoke against the motion. Motion lost. Resolution adopted.

HB 814-FN, creating an exemption from the meals and rooms tax for nonprofit social clubs and fraternal organizations. Inexpedient to Legislate.

The Committee found this bill should be reported as Inexpedient to Legislate. There is no basis for exempting customers of private nonprofit clubs. The Department of Revenue Administration has estimated that this tax bill would reduce revenue collected from the rooms and meals tax by a total of \$2,300,000. Vote 16-0. Rep. Barbara E. Arnold for Ways and Means.

Rep. Zajdel moved that the words, Refer for Interim Study, be substituted for the Committee report, Inexpedient to Legislate, and spoke to his motion.

Rep. Peters spoke in favor of the motion. Motion adopted.

Referred for Interim Study.

HB 838-FN, correcting the over-apportionment made in the 1981 tax rate for the town of Bartlett. Ought to Pass with Amendment.

Everyone appearing agreed this was a just and fair solution to a mistake on the State's apportionment. No objection from Conway was heard. Vote 16-0. Rep. Roger C. Heath for Ways and Means.

#### Amendment

Amend the bill by striking out section one and inserting in place thereof the following:

I. Adjustment in Tax Assessments for Bartlett and Conway. Notwithstanding any other provisions of law to the contrary, the department of revenue administration is hereby authorized to adjust the 1983 tax rates to be established and approved by the commissioner for the towns of Bartlett and Conway. The adjustments shall be made in order to correct an over-apportionment made by the department in the 1981 tax rate established for the town of Bartlett. The following amounts shall be subtracted from the 1983 tax established for the town of Bartlett, and they shall be added to the 1983 tax established for the town of Conway, in order to correct the over-apportionment made by the department:

I. The Kearsarge lighting precinct, a variance of \$647.13.

II. The North Conway water precinct, a variance of \$9,816.02.

III. The Intervale lighting precinct, a variance of \$283.45.

Amendment adopted.

Rep. Dickinson spoke to the Committee report.

Rep. Heath yielded to questions.  
Ordered to third reading.

#### UNANIMOUS CONSENT

Rep. Scamman addressed the House by unanimous consent.

Rep. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourn today it be to meet Thursday, May 5th at 1:00 p.m.

Adopted.

#### LATE SESSION

HB 91-FN, relative to the reconstruction of Camp Sargent road and making an appropriation therefor.

HB 142-FN, relative to sunset review of the parole board and creating a department of probation and parole.

HB 145-FN, relative to sunset review of the labor department - inspection division.

HB 156-FN, relative to sunset review of the department of resources and economic development - administration and support.

HB 198-FN, relative to the proceeds from the sale of state property.

HB 206-FN, relative to the restoration of the covered bridge between Cornish, New Hampshire and Windsor, Vermont, and making an appropriation therefor.

HB 251-FN, relative to the state board of education and to salaries of assistant superintendents, teacher consultants and business administrators.

HB 310-FN, relative to construction of the central New Hampshire turnpike and making an appropriation therefor.

HB 333-FN, relative to a lump sum death benefit for Lillian Palmer.

HB 347-FN, providing funds for expenditures made by the department of fish and game for search and rescue missions and making an appropriation therefor.

HB 359, transferring administration of old age and survivors insurance from the division of welfare to the state treasurer.

SB 8, relative to large town water pollution grants.

HB 300-FN, allowing stepchildren and their spouses to inherit tax-free from a stepparent and to bequeath tax-free to a stepparent.

HB 418-FN, establishing a diesel fuel tax study commission.

HB 523-FN, amending the meals and rooms tax and certain powers of the collections division of the department of revenue administration.

HB 572-FN, creating a uniform interest rate penalty for the late filing of tax returns, and amending exceptions to the penalty for the underpayment of estimated tax.

HB 626-FN, permitting deductions for qualified charitable and research contributions from the business profits tax.

HB 719-FN, requiring the board of tax and land appeals to tape record hearings and make the tape available to the public.

HB 723-FN, relative to the board of taxation and land appeals.

HB 838-FN, correcting the over-apportionment made in the 1981 tax rate for the town of Bartlett.

HB 243-FN, authorizing the purchase of miscellaneous equipment and building repairs for the department of fish and game and making an appropriation therefor.

HB 244-FN, to provide additional funds for the purchase of alcohol breath testing equipment and supplies.

HB 400, making appropriations for capital improvements.

HB 317-FN, amending the business profits tax by limiting the depreciation deduction to the amount allowable before the Economic Recovery Tax of 1981.

#### INTRODUCTION OF GUESTS

Mrs. Mary MacDonald, Joyce and Jay York, guests of Rep. York.

Rep. Rounds moved that the House stand in recess for the purpose of Introduction of Bills and Enrolling Reports only.

Adopted.

The House recessed at 3:04 p.m.

#### RECESS

(Rep. Parr in the Chair)

Their introduction having been approved by the Rules Committee, Rep. Blouin offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills numbered 847 and 848, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF HOUSE BILLS

First, second reading and referral

HB 847-FN, creating a regional compact for the disposal of low-level radioactive waste, and making an appropriation therefor. (Wight of Hillsborough Dist. 9; Eisengrein of Cheshire Dist. 15; Kelly of Dist. 14; Bartlett of Dist. 19 - To State-Federal Relations)

HB 848, relative to county commissioner districts in Hillsborough county. (Spirou of Hillsborough Dist. 31 - To Statutory Revision)

#### RECESS

Rep. Blouin offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 20, 28, 37, 57, 72, 100, 186, 199, 119, 179, 124, 50, 182, 103, 171, 172, 101, 104, 175, 195, 122, 208, 166, 109, 29, 95, 75, 116, 131, 132, 207, 206, 32, 82, 87, 136, 144, 154, 158, and Senate Concurrent Resolution numbered 5 and Concurrent Resolutions Proposing Constitutional Amendments numbered 22 and 23, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF SENATE BILLS,

##### SCR AND CACRs

First, second reading and referral

SB 20, postponing the date required for organizing solid waste management districts from October 1, 1983, to April 1, 1984. (Environment and Agriculture)

SB 28, relative to driving while intoxicated. (Judiciary)

SB 37, requiring fire warning devices in all multi-unit dwellings. (Commerce, Housing and Consumer Affairs)

SB 57, relative to the authority of selectmen over certain police budgets. (Municipal and County Government)

SB 72-FN, relative to transferring necessary rights and easements in and to certain dams to the water resources board. (Resources, Recreation and Development)

SB 100-FN, allowing employees to receive payments from certain supplemental plans without a reduction in their unemployment compensation benefits. (Labor, Human Resources and Rehabilitation)

SB 186-FN, relative to the sunset termination date of the joint legislative committee on review of agencies and programs. (Legislative Administration)

SB 199-FN, authorizing the city of Manchester to phase in the optional fiscal year in 3 years, to establish a central business district revitalization reserve fund and to establish a parking facilities reserve fund. (Municipal and County Government)

SB 119, relative to appeals to the superior court concerning the abatement of property taxes and relative to promotions under the land sales full disclosure act and the condominium act. (Judiciary)

SB 179-FN, relative to delinquents. (Health and Welfare)

SB 124, relative to designating approved care facilities. (Commerce, Housing and Consumer Affairs)

SB 50-FN, relative to bingo and lucky 7. (Regulated Revenues)

SB 182, relative to discretionary easements. (Municipal and County Government)

SB 103, relative to disposal of sewage and other wastes from boats. (Resources, Recreation and Development)

SB 171-FN, relative to the board of registration in medicine and the terms of certain positions at New Hampshire hospital. (Executive Departments and Administration)

SB 172, relative to the manner of election for secretary of state and state treasurer. (Statutory Revision)

SCR 5, urging the department of public works and highways to place a high priority on a bypass around the town of Dublin. (Public Works)

SB 101, relative to the flash point of kerosene or similar illuminating or fuel oils. (Commerce, Housing and Consumer Affairs)

SB 104, relative to the definition of a moped. (Transportation)

SB 175-FN, relative to licensing automotive dismantlers and parts recyclers. (Executive Departments and Administration)

SB 195, relative to passing school buses. (Transportation)

SB 122, permitting the operation of retail fuel oil delivery trucks by persons 18 years of age or older. (Transportation)

SB 208, relative to business corporations. (Judiciary)

SB 166-FN, relative to enterprise zones. (Commerce, Housing and Consumer Affairs)

SB 109, relative to the date for submitting petitions to amend zoning ordinances. (Municipal and County Government)

SB 29, relative to the department of Centralized Data Processing. (Executive Departments and Administration)

SB 95-FN, relative to the examination of insurance companies, insurance company license fees and relicensing of insurance companies. (Commerce, Housing and Consumer Affairs)

SB 75-FN, relative to workmen's compensation for part-time members of police department. (Labor, Human Resources and Rehabilitation)

SB 116, relative to the appeal rights of discharged employees covered by certain collective bargaining agreements. (Labor, Human Resources and Rehabilitation)

SB 131-FN, relative to certain retirement pay and unemployment compensation benefits. (Labor, Human Resources and Rehabilitation)

SB 132-FN, relative to eligibility for unemployment compensation benefits. (Labor, Human Resources and Rehabilitation)

SB 207-FN, providing for the inclusion of tips and gratuities in the definition of "wages" only to the extent such tips and gratuities are used by the employing unit to satisfy the minimum wage law. (Labor, Human Resources and Rehabilitation)

SB 206, relative to town paupers and county paupers. (Municipal and County Government)

SB 32, eliminating the waiting period for amending a legal separation decree to one of divorce. (Judiciary)

SB 82, relative to the uniform enforcement of foreign judgments. (Judiciary)

SB 87, relative to the criminal threatening of property. (Judiciary)

SB 136-FN, relative to indexing trustee process. (Judiciary)

SB 144-FN, relative to the illegal purchase of alcoholic beverages by underage persons. (Judiciary)

SB 154, requiring the state to buy American made products. (Executive Departments and Administration)

SB 158, relative to the good samaritan law regarding hazardous waste. (Judiciary)

CACR 22, relating to the term of office of senators. Providing that senators be elected to 4 year terms. (Constitutional Revision)

CACR 23, relating to the imposition of limits on state spending and increases in state spending and the establishment of a reserve fund. Providing that increases in state revenue shall not exceed the state's rate of economic growth and state spending shall not exceed 95 percent of estimated revenues of the current fiscal year, except upon a 2/3 vote of the general court in the event of an emergency, and providing for the establishment of a special fund reserve. (Constitutional Revision)

#### RECESS

(Rep. Rounds in the Chair)

Rep. Pressly offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 76, 38, 181, 85, 212, 148, 215, 97, 169, 102, 155, 130, 91 and 18, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF SENATE BILLS First, second reading and referral

SB 76-FN, providing for payment of a claim to Kenneth Clark, of Office Products Co., Inc. and making an appropriation therefor. (Appropriations)

SB 38, making an appropriation for an addition to the New Hampshire voc-tech college in Nashua. (Public Works)

SB 181, relative to improvements to the Eastern New Hampshire turnpike and making an appropriation therefor. (Public Works)

SB 85, making a capital appropriation for a south bound return ramp at Granite street from I-293 in the city of Manchester. (Public Works)

SB 212, providing for the purchase of a state liquor store on Coliseum avenue in Nashua and making an appropriation therefor. (Public Works)

SB 148-FN, relative to a one-way toll system on the New Hampshire turnpikes. (Public Works)

SB 215-FN, relative to grants for retired senior volunteer programs and making an appropriation therefor. (Executive Departments and Administration)

SB 97-FN, relative to the senate clerk. (Legislative Administration)

SB 169-FN, establishing a study committee to review the rules of the water supply and pollution control commission, which do not have anything to do with municipal systems and making an appropriation therefor. (Resources, Recreation and Development)

SB 102-FN, making an appropriation for New Hampshire's share of the cost for the perambulation of the Maine-New Hampshire boundary. (Public Works)

SB 155-FN, relative to a lump sum payment to Ronald C. Broderick. (Appropriations)

SB 130-FN, relative to retirement benefits for Francis A. Talbot and making an appropriation therefor. (Appropriations)

SB 91-FN, providing cost of living increases to teachers retired prior to 1957. (Appropriations)

SB 18-FN, removing compensation offset provisions from disability and death benefits under the New Hampshire retirement system. (Executive Departments and Administration)

#### RECESS

(Speaker in the Chair)

Rep. French moved that the House adjourn.  
Adopted.



# HOUSE JOURNAL 22

*Thursday, 5 May 83*

The House assembled at 1:00 p.m., and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

Dear Heavenly Father, help us to keep our dreams alive. Our dreams of a "religious democracy" where our society is of the mutually concerned, where grown-ups really mature, and children are loved, and the doors of opportunity swing freely.

Help us to stand strong against those who would take our dreams away or tell us they were not worth it. Lead us around the detours and past the pot holes that would slow our determination. Let us have the hope that even this day's work will make our dream of a valued government even more possible. Amen.

Rep. Gross led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Stimmell, Waldron, Sallada, Zimmerman and James J. White, the day, illness.

Reps. Doris Riley, Lefebvre, Durant, Knight, McIntire, Musler, Blanchard, Stewart, Simon, Pevear, Eleanor Whittemore, Brack and Bolan, the day, important business.

## INTRODUCTION OF GUESTS

Rep. Bob Harris of Windsor, Vermont, guest of Rep. Spirou; Isabelle Gilbert and Christopher Gilbert II, guests of Rep. Nickerson; John E. Hynes, son of Rep. John Hynes; Mrs. Rita Mercier, wife of Rep. Mercier; Paul Lunn, guest of Rep. Heath; Dan Herlihy, guest of Rep. Robert Jones; Steven B. Salera, Christopher R. Russell, John B. Nay, Jr., Rosalyn Pearlman, Michael T. Foye, Michael J. Straugh, Sara S. Richards, Sarah M. Ward, student ambassadors from the University of New Hampshire and Peter S. Wellenberger, guests of Rep. Kidder.

## VACATES

Rep. Sytek moved that the House vacate the reference of SB 119, relative to appeals to the superior court concerning the abatement of property taxes and relative to promotions under the land sales full disclosure act and the condominium act, to the Committee on Judiciary.

Adopted.

The Speaker referred SB 119 to the Committee on Commerce, Housing and Consumer Affairs.

Rep. Mann moved that the House vacate the reference of SB 204, relative to county commissioner districts in Coos County, to the Committee on Municipal and County Government.

Adopted.

The Speaker referred SB 204 to the Committee on Statutory Revision.

Rep. Mann moved that the House vacate the reference of SB 182, relative to discretionary easements, to the Committee on Municipal and County Government.

Adopted.

The Speaker referred SB 182 to the Committee on Environment and Agriculture.

## THREE LEGISLATIVE DAY EXTENSION GRANTED

SB 22, authorizing the financing of life-care or continuing care facilities for the elderly under the New Hampshire higher educational and health facilities authority.

## SENATE MESSAGE

### REQUESTS CONCURRENCE WITH AMENDMENT

HB 315, making certain supplemental appropriations and relative to records relating to assigned counsel for indigent defendants.

Rep. Kidder moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Sytek, LaMott, Palmer and Margaret Ramsay.

## SUSPENSION OF RULES

Rep. Rounds moved that the Rules be so far suspended as to permit consideration at the present time of an amendment to House Resolution 11, fixing January 27 as the date through which House Rules may be amended by majority vote, spoke to his motion and yielded to questions.

Rep. Spirou spoke in favor of the motion. Adopted by the necessary two-thirds.

## Amendment

Amend the House Rules by inserting after Rule 38 the following new rule:

38-a. The sponsor of any bill, joint resolution, concurrent resolution, House resolution proposing that the House take a policy position, or bill of intent shall sign the legislation for introduction within 5 working days, excluding Saturdays, Sundays, and holidays, after notification by the Office of Legislative Services that the legislation is ready for signature. If the legislation requires a fiscal note, the 5-day sign-off period shall start to run upon notification that the fiscal note is ready. The sponsor's name shall be published at least once on the "signatures needed" list in the House Calendar within the sign-off period, with a notice of the sign-off deadline date. If the sponsor requests a redraft within the sign-off period, the sponsor shall sign the legislation for introduction within 5 working days after notification that the new draft is ready for signature.



If the primary sponsor signs the legislation in time for introduction, but one or more co-sponsors fail to sign, the legislation shall be introduced in the names of those sponsors who have signed. If the primary sponsor fails to sign the legislation in time for introduction, a co-sponsor may become the primary sponsor. If the primary sponsor fails to sign, and no co-sponsor wishes to become the primary sponsor, the legislation may not be introduced without suspension of this rule.

The introduction deadlines set by Rule 46 shall supersede the time limits set forth in this Rule.

Rep. Rounds yielded to questions.

Reps. Spirou, Krasker and Townsend spoke in favor of the amendment.

Amendment adopted.

Rep. Rounds moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 53-FN, establishing the department of postsecondary vocational education, was removed at the request of Rep. Walter Robinson.

HB 833, designating the department of personnel as the agency responsible for overseeing a state equal employment opportunity plan and making an appropriation therefor, was removed at the request of Rep. Ward.

Adopted.

#### COMMITTEE REPORTS (Consent Calendar)

HB 232-FN, authorizing the transfer of boat registration fees previously collected to the dam maintenance fund. Ought to Pass.

At the request of the Water Resources Board this bill authorizes the transfer of funds collected from boat registration fees to be used for the dam maintenance fund. Vote 15-0. Rep. Paul I. LaMott for Appropriations.

HB 239-FN, relative to aerial surveillance for the discovery and control of forest fires. Ought to Pass with Amendment.

This bill will establish legislative intent that fire control measures by the Department of Resources and Economic Development shall be maintained. Vote 16-0. Rep. Paul I. LaMott for Appropriations.

#### Amendment

Amend the bill by striking out section one and inserting in place thereof the following:

1 Aerial Surveillance. Amend RSA 224:38 (supp) as amended by striking out said section and inserting in place thereof the following:

224:38 Surveillance and Detection of Forest Fires. The commissioner of resources and economic development shall direct the

director of the division of forests and lands to maintain the present mountain lookout stations, to establish and maintain additional stations connected by telephone lines or radio communication, and to use aircraft and other available means for surveillance, detection, reporting, and control of forest fires and shall have the right to receive and hold, in the name of the state, gifts of land for observatory sites and rights of way for paths and telephone and electric lines.

HB 294-FN, providing for a method of protection of the groundwater of the state and establishing a water resources management program. Ought to Pass.

This bill establishes a program for the protection, regulation and control of our state's groundwater and will ensure a good water management program. Vote 17-0. Rep. Paul I. LaMott for Appropriations.

HB 322-FN, providing for the acquisition of a certain dam and water rights by the fish and game department and making an appropriation therefor. Ought to Pass.

This bill authorizes the state to acquire the Whittemore pond dam, one of the few limestone-bottomed ponds in the state. There should be no cost to the state. This bill authorizes the use of federal funds together with a gift from Monadnock Paper Co. Vote 16-0. Rep. Paul I. LaMott for Appropriations.

HB 416-FN, instituting an automated information system for the state library. Ought to Pass with Amendment.

This bill creates an automated data processing and information center as part of the New Hampshire State Library. It also establishes a board to oversee the center and authorizes the State Librarian to administer and direct programs connected with the center. This program is federally funded. Vote 19-0. Rep. Margaret A. Ramsay for Appropriations.

#### Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:  
2 Effective Date. This act shall take effect upon its passage.

HB 430-FN, providing filing fees for the construction or reconstruction of dams. Ought to Pass with Amendment.

The amendment will bring the amount of filing fees within the range of actual expense for dam inspection. Vote 16-0. Rep. Paul I. LaMott for Appropriations.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

providing filing fees for the construction or reconstruction of dams and making an appropriation therefor.

Amend RSA 482:3, II as inserted by section I of the bill by striking out same and inserting in place thereof the following:

II. The filing of the statement required by paragraph I shall be accompanied by a filing fee of \$100 for each statement filed. The fee shall be deposited in the general fund as unrestricted revenue.

Amend RSA 482:4, II as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

II. In addition to the information requested regarding the construction or reconstruction of said dam, the applicant shall also submit to the board an additional filing fee, which shall go into the general fund as unrestricted revenue, based on the classification of a dam as follows:

- (a) Class "A" dam - \$100
- (b) Class "B" dam - \$150
- (c) Class "C" dam - \$200

Amend RSA 482:4 as inserted by section 2 of the bill by striking out paragraph III.

Amend the bill by striking out all after section 3 and inserting in place thereof the following:

4 Appropriation. The sum of \$5,500 is hereby appropriated to the water resources board for the biennium ending June 30, 1985, for the purposes of sections 1 and 2 of this act. This sum is in addition to any other appropriation made to said board for the biennium. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

5 Effective Date. This act shall take effect upon its passage.

HB 498-FN, establishing migratory waterfowl stamp and a waterfowl conservation account. Ought to Pass.

The Committee felt this bill would enable the wild duck, goose and other waterfowl projects to continue and grow within the state with funds coming from the proceeds of this stamp and the artwork. Vote 17-0. Rep. Paul I. LaMott for Appropriations.

HB 560-FN, relative to the restructuring of the state mental health system, and making an appropriation therefor. Ought to Pass with Amendment.

The Committee supports this bill which will carry out the restructuring of the State Mental Health System. The amendment removes the appropriation but continues to give the Department the authority to carry out the program. Vote 15-1. Rep. Andrea A. Scranton for Appropriations.

## Amendment

Amend the bill by striking out sections 9 and 10 and inserting in place thereof the following:

9 No Executive Council Approval Required. Notwithstanding any other

provision of law, all statutory provisions requiring executive council approval, including, but not limited to, approval of state contracts, are hereby suspended in order to effectively implement this act.

10 Federal Funds. If any federal funds become available for the purposes of this act, they are hereby appropriated to the division of mental health and developmental services for the purposes of this act. Such federal funds may be expended by the division only with the approval of the committee established in section 2 of this act.

11 Effective Date. This act shall take effect upon its passage.

SB 15-FN, relative to a special appropriation for resurfacing and betterments on the state highway system. Ought to Pass with Amendment.

This bill allows for the continuing resurfacing and upkeep of 250 miles of the state's highways and small reconstruction and hazard elimination. The amendment removes \$4 million from the highway bond authorization in HB 500. Vote 16-0. Rep. Paul I. LaMott for Appropriations.

## Amendment

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Reduction of Appropriation and Bonds Authorized.

I. If HB 500 of the 1983 session as passed by the house of representatives becomes law, PAU 1.04, 03, 03, 05, 01 class 90 betterments shall be reduced by \$4,000,000 and the comptroller shall lapse said amount to the highway fund.

II. If HB 500 of the 1983 session as passed by the house of representatives becomes law, section 18 of said bill shall be amended as follows:

18 Bond Issue Authorized. To provide funds for the purpose of construction and reconstruction of highways, the state treasurer is hereby authorized to borrow upon the credit of the state in a sum not exceeding \$3,000,000 for the biennium ending June 30, 1985, and for that purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6 A. The interest and principal due on bonds or notes issued under this section shall be a charge on the highway fund. The moneys provided in this section shall be a continuing appropriation and shall not lapse.

5 Effective Date. This act shall take effect upon its passage.

SB 24, relative to the off highway recreational vehicle laws. Ought to Pass.

This bill is the result of an interim study committee established in the 1981 session, and the Fish and Game Committee felt that the amendments contained in this bill brought up to present date the laws governing off-highway recreational vehicles. Vote 16-0. Rep. Marshall French for Fish and Game.

Referred to Appropriations.

SB 74-FN, increasing the small claim limit for the department of public works and highways. Ought to Pass.

This bill would increase the small claim limit for the Department of Public Works and Highways, increasing the present authorized amount from \$300 to \$600, which will accommodate inflation, since the original amount was set in 1977. Vote 18-0. Rep. Lorine M. Walter for Public Works.

SB 81, authorizing the water supply and pollution control commission to negotiate with the Environmental Protection Agency concerning delegation of National Pollutant Elimination discharge system responsibilities. Ought to Pass.

This bill grants the Water Supply and Pollution Control Commission necessary negotiating authority with the federal Environmental Protection Agency respecting the implementation of the Federal National Pollutant Elimination Discharge System Program. This Committee will be kept informed and may participate in the negotiations. Vote 15-0. Rep. Richardson Blair for Resources, Recreation and Development.

#### SUSPENSION OF RULES

Reps. Rounds and Spirou moved that the Rules be so far suspended as to permit the introduction of House Resolution No. 35, for a balanced budget, and spoke to their motion. Adopted by the necessary two-thirds.

Reps. Rounds and Spirou offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Resolution numbered 35, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

#### INTRODUCTION OF HOUSE RESOLUTION First, second reading and referral

HR 35, for a balanced budget. (Spirou of Hillsborough Dist. 31 - To Legislative Administration)

#### COMMITTEE REPORTS (Regular Calendar)

HB 200-FN, creating a state funded unified court system and making an appropriation therefor. Ought to Pass with Amendment.

As amended HB 200 contains adequate funding to create a unified court system without committing any additional highway funds from existing sources. Part of the additional funding required for HB 200 comes from the new revenues contained in Section 4 of SB 143 and from the savings in jurors' fees already contained in HB 36. The remaining funds are already contained in HB 500, but because of the new funds raised in HB 200, all the highway funds presently contained in HB 500 will not be needed. Adoption of the amendment will thus free up additional funds for highway use. The amendment also provides that judicial branch revenues and expenditures will have legislative oversight through the Fiscal Committee. Vote 20-0. Rep. Caroline L. Gross for Appropriations.

#### Amendment

Amend RSA 502-A:19-b, V as inserted by section 38 of the bill by striking out same and inserting in place thereof the following:

V. The uniform fine schedule and administrative processing fee referred to in paragraphs I and II shall be developed and promulgated by the New Hampshire supreme court after consultation with the administrative committee of the district and municipal courts and the New Hampshire Judges Association and after approval by the legislative fiscal committee.

Amend RSA 490:26-b as inserted by section 68 of the bill by striking out same and inserting in place thereof the following:

490:26-b Court Personnel and Compensation System. The supreme court shall establish a uniform personnel classification and compensation system and salary and grievance procedures for all nonjudicial court personnel. The compensation system shall be approved by the legislature prior to becoming effective if the legislature is meeting in regular session. If the legislature is not meeting in regular session, the compensation system shall be approved by the legislative fiscal committee prior to becoming effective. The salary and grievance procedures shall be established by administrative order of the supreme court.

Amend the bill by striking out section 66 and inserting in place thereof the following:

#### 66 Appropriation.

1. There is hereby appropriated to the supreme court for the purposes of this act the following sums:

	Fiscal Year 1984	Fiscal Year 1985
Class 90 supreme court	\$ 1,706,054	\$ 1,646,872
Class 91 superior court	3,449,863	7,233,056
Class 92 probate court	778,110	1,349,908
Class 93 district court	2,084,010	6,290,594
Class 94 municipal court	63,364	184,898
Total	\$ 8,081,401	\$16,705,328

Estimated source of funds  
for court system  
General funds  
Highway funds

\$ 7,318,093	\$15,152,961
<u>763,308</u>	<u>1,552,367</u>

Total	\$ 8,081,401	\$16,705,328
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II. The governor is authorized to draw his warrants for said sums hereby appropriated.

III. If HB 500 of the 1983 regular session, "An act making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1984, and June 30, 1985," becomes law, the appropriations in this section shall be in lieu of any appropriations to the judicial branch made in HB 500, but not including any appropriations made to the judicial council.

IV. Notwithstanding the provisions of RSA 99:4, 9:17, 9:17-a, and 9:17-d or any other law to the contrary, for the fiscal years 1984 and 1985, the supreme court may transfer the appropriations made in paragraph I among the designated class line appropriations after prior approval by the legislative fiscal committee.

Amend the bill by striking out all after section 71 and inserting in place thereof the following:

72 Suspension of License or Driving Privilege for Default or Nonpayment of Fine. Amend RSA 263 by inserting after section 56 the following new section:

263:56-a Suspension for Default or Nonpayment of Fine.

I. Whenever any person:

(a) Defaults on a scheduled court appearance in connection with a charge or conviction of any offense, or

(b) Fails to pay a fine imposed in connection with a conviction of any offense which a court has determined he is able to pay, or

(c) Fails to comply with a similar order of the director on any matter within the director's jurisdiction, the court or director, as applicable, may notify such person by certified mail at his last known address that his driver's license or resident or nonresident driving privilege shall be suspended 30 days after such notification is mailed unless such person appears, pays his fine, or complies with the order, as applicable, or demonstrates that he is financially unable to pay the fine or to comply with the order before the expiration of the 30-day period.

II. If such person fails to appear, pay his fine or comply with the order within the 30-day period, or fails to demonstrate that he is financially unable to pay the fine or to comply with the order within the 30-day period, the director shall suspend such person's driver's license or resident or nonresident driving privilege for an indefinite period and mark his files accordingly. Any court ordering such a suspension shall so notify the director on a form prescribed by the director.

III. Except as provided in paragraph IV, the license or driving privilege of any person whose license or privilege has been suspended pursuant to paragraph II shall be reinstated upon:

(a) Payment to the director of a fee of \$25, which shall be in lieu of any other reinstatement fee and shall be deposited into the highway fund pursuant to RSA 260:23 and RSA 6:12, 1(f), and

(b) Appearance by such person, payment of his fine, or compliance with the order of the director, as applicable, or upon demonstration that such person is financially unable to pay the fine or to comply with the order.

Any court which has ordered a suspension pursuant to paragraph II shall vacate the order and so notify the director and the affected person immediately after such person has appeared or paid his fine, as applicable or has demonstrated that he is financially unable to pay the fine or to comply with the order.

IV. No license or driving privilege suspended under this section shall be reinstated before the expiration of any other period of suspension or revocation in effect.

V. Nothing shall prevent any person affected by this section from obtaining a prompt review or hearing, upon showing just cause, before either the court or director for appropriate relief.

VI. The provisions of this section shall be in addition to other provisions of law relative to sanctions for persons who fail to appear, pay a fine, or comply with an order of the director.

73 Funding: Transition. For the period of time between the effective date of this act and July 1, 1985, the commissioner of safety, with approval of the legislative fiscal committee, is authorized to transfer from the highway surplus account such sums as may be necessary for the employment of additional temporary part time personnel, for data processing charges and for postage and printing expenses to implement section 72 of this act; and said sums are hereby appropriated. The commissioner shall include in his budget request for the succeeding biennium such sums as are necessary in his judgment to continue the duties imposed by section 72 of this act.

74 Jurors' Fees. Amend RSA 500-A:15 (supp) as inserted by 1971, 456:10 as amended by striking out said section and inserting in place thereof the following:

500-A:15 Compensation of Jurors.

I. Grand and petit jurors' fees and mileage shall be paid by the county. The jurors' fees shall be \$15 for each half day's attendance before a superior court;



for each mile's travel to and from the place where the juror serves, mileage shall be paid at the rate of \$.20 per mile, mileage to be allowed for each day's attendance when the juror is required to leave the town or city in which he resides.

II. For the purposes of this section "attendance for a half day" means attendance either at the forenoon session or at the afternoon session.

III. The clerk of the court attended shall determine whether a juror has attended for a half day. Said clerk may count travel time to reach the place where the juror serves in determining attendance of the juror, if the juror is required to travel more than 50 miles one way by the most direct route to reach the court.

75 PAU Redesignation. The PAU for the judicial council is hereby redesignated as PAU 02, 22.

76 Repeal. RSA 490-A:1, relative to a unified court system, is hereby repealed.

77 Repeal. The following are hereby repealed:

I. RSA 499:2, relative to bonds by clerks of superior court.

II. RSA 499:17, relative to bonds for deputy clerks of the superior court.

III. RSA 502-A:2-a, relative to the reimbursement to towns for the maintenance and repair of the town's courtroom facilities.

IV. RSA 502-A:6, IV, relative to the salary of the deputy clerk of the Nashua district court.

V. RSA 502-A:9, relative to payments.

VI. RSA 502-A:10, relative to bonds for clerks of district courts.

VII. RSA 548:14-b, relative to a deputy register of probate in Merrimack county.

VIII. RSA 548:15, relative to deputy registers of probate in certain counties.

IX. RSA 548:18, relative to the payment of registers' salaries.

X. RSA 548:19, relative to the salaries of deputy registers of probate.

XI. RSA 548:20, relative to the hiring of clerks by registers of probate.

XII. RSA 548:21, relative to the time of payment for the clerks of registers of probate.

XIII. RSA 548:22, relative to the fees of registers of probate.

XIV. RSA 548:27, relative to the neglect to give bond for a register of probate.

78 Repeal. The following are hereby repealed:

I. RSA 28:22, relative to furnishing a duplicate of any court order direct on the county treasurer.

II. RSA 29:4, relative to the payment of fees and expenses of the superior court by the counties.

III. RSA 499:5, relative to accounts of the superior court clerk.

IV. RSA 499:6, relative to requiring the clerk of superior court to render an itemized account.

V. RSA 499:7, relative to payments by the county to the clerk of superior court.

VI. RSA 499:8, relative to a penalty for default.

VII. RSA 502-A:9-a, relative to district court audits.

79 Effective Date.

I. Section 76 of this act shall take effect upon its passage.

II. Sections 20, 37, 66, 68, 72, 73, 74 and 75 of this act shall take effect July 1, 1983.

III. Sections 9, 10, 11, 27, 28, 39, 43, 45, 59, 61, 62, 71 and 78 of this act shall take effect July 1, 1984.

IV. The remainder of this act shall take effect January 1, 1984.

Reps. Gross and Jacobson spoke in favor of the amendment.

Rep. Michael King yielded to questions.

Amendment adopted.

Rep. Michael King offered an amendment.

#### Amendment

Amend the bill by striking out all after section 74 and inserting in place thereof the following:

75 Jurors' Fees. Amend RSA 500-A:15 (supp) as inserted by 1971, 456:10 as amended by striking out said section and inserting in place thereof the following:

500-A:15 Compensation of Jurors.

1. Grand and petit jurors' fees and mileage shall be paid by the state. The jurors' fees shall be \$15 for each half day's attendance before a superior court; for each mile's travel to and from the place where the juror serves, mileage shall be paid at the rate of \$.20 per mile, mileage to be allowed for each day's attendance when the juror is required to leave the town or city in which he resides.

II. For the purposes of this section "attendance for a half day" means attendance either at the forenoon session or at the afternoon session.

III. The clerk of the court attended shall determine whether a juror has attended for a half day. Said clerk may count travel time to reach the place where the juror serves in determining attendance of the juror, if the juror is required to travel more than 50 miles one way by the most direct route to reach the court.

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IV. RSA 502-A:6, IV, relative to the salary of the deputy clerk of the Nashua district court.

V. RSA 502-A:9, relative to payments.

VI. RSA 502-A:10, relative to bonds for clerks of district courts.



VII. RSA 548:14-b, relative to a deputy register of probate in Merrimack county.

VIII. RSA 548:15, relative to deputy registers of probate in certain counties.

IX. RSA 548:18, relative to the payment of registers' salaries.

X. RSA 548:19, relative to the salaries of deputy registers of probate.

XI. RSA 548:20, relative to the hiring of clerks by registers of probate.

XII. RSA 548:21, relative to the time of payment for the clerks of registers of probate.

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V. RSA 499:7, relative to payments by the county to the clerk of superior court.

VI. RSA 499:8, relative to a penalty for default.

VII. RSA 502-A:9-a, relative to district court audits.

80 Effective Date.

I. Section 77 of this act shall take effect upon its passage.

II. Sections 20, 37, 66, 68, 72, 73, 74 and 76 of this act shall take effect July 1, 1983.

III. Sections 9, 10, 11, 27, 28, 39, 43, 45, 59, 61, 62, 71, 75 and 79 of this act shall take effect July 1, 1984.

IV. The remainder of this act shall take effect January 1, 1984.

Rep. Michael King explained the amendment.

Rep. Gross spoke in favor of the amendment.

Amendment adopted.

Question being on the Committee report, Ought to Pass as amended, a roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 336 NAYS 19

YEAS 336

BELKNAP: Bastraw, Birch, Bolduc, Bowler, Dexter, Gary Dionne, French, Golden, Hardy, Robert Hawkins, Holbrook, Lamprey, Nighswander, Pearson, Randall, Sanders, David Whittemore and Zeckhausen.

CARROLL: Chase, Heath, Robert Holmes, Hraba, Kenneth MacDonald, Murphy, Powers and Saunders.

CHESHIRE: Barber, Boulter, Eugene Clark, Crane, Davis, Eisengrein, Galloway, Gordon,

Grodin, Hickey, Elmer Johnson, Kennedy, Lane, David Meader, Michaelides, Miller, Robert Moore, Morse, Parker, Perkins, Perry, Margaret Ramsay, William Riley, Scranton and William Sullivan.

COOS: Brideau, Harold Burns, Chappell, Chardon, Coulombe, Guay, Horton, David King, Langley, George Lemire, Oleson, Theriault, Valliere and York.

CRAFTON: Blair, Chambers, Christy, Copenhaver, Crory, Densmore, Downing, Driscoll, Duggan, Girouard, Michael King, Wayne King, LaMott, Logan, Mann, McAvoy, Rounds, Stevens, Taffe, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Debora Ahern, Richard Ahern, Ahlgren, Ahrens, Arnold, Arris, Baker, Bass, Bergeron, Boutwell, Burkush, John Burns, Leslie Burns, Carragher, Charbonneau, Cote, Craig, Cronin, Crotty, William Dion, Donovan, Duffett, Dupont, Duprey, Joseph Eaton, Fields, Ford, Gagnon, Galway, Gelinas, Grasso, Grip, Harrington, George Hawkins, Head, Daniel Healy, Hendrick, Humphrey, Thomas Hynes, Jean, Michael Jones, Kakkamanos, Kashulines, Katsiafilas, Keefe, Robert Kelley, John Lawrence, Leclerc, Lynde, Lyons, Martineau, Howard Mason, McGlynn, Migneault, Morrisette, Nelson, Nickerson, Nute, O'Rourke, Paradis, Parmenter, Marjorie Peters, Pressly, Quinn, Raiche, Peter Ramsey, Reidy, Resch, Robie, Ellen-Ann Robinson, Roy, Russell, Silva, B. P. Smith, Leonard Smith, Soucy, Spirou, Steiner, James Sullivan, Mary Sullivan, Sylvia, Talbot, Tamposi, Turgeon, Vachon, Van Loan, Wagner, John Wallace, Roger Wallace, Ware, Geraldine Watson, Harold Watson, Wells, Emma Wheeler, Kenneth Wheeler, Robert Wheeler, M. Arnold Wight, Winn, Lucille Wood and Zajdel.

MERRIMACK: Anderson, Bardsley, Bibbo, Laurent Boucher, Bowes, Chynoweth, Samuel Clark, Daniell, Dean, Degnan, Gross, Mary Holmes, Jacobson, Kidder, Lewis, Arthur Locke, McDonnell, Mercier, Nichols, Pannell, Parrish, Phelps, Louise Roberts, Walter Robinson, Rogers, Savaria, Shepard, Gerald R. Smith, Stark, Stio, Lawrence Sullivan, Trombly, Underwood and Wallner.

ROCKINGHAM: Ames, Bangs, Belanger, Beliveau, Benton, Blaisdell, Blake, Blanchette, William Boucher, Burdick, Butler, Campbell, Carpenito, Case, Connors, Cotton, Cressy, Danderson, Day, Drake, Flanagan, Harry Flanders, John Flanders, Greene, Gregorio, John Hynes, Joslyn, Kane, Katsakiores, Glenden Kelley, Roger King, Kozacka, Krasker, Leslie, LoFranco, Longworth, Lovejoy, Joseph MacDonald, Robert Mason, McLane, William Moore, Nagel, Nevins, Newell, Newman, Palumbo, Pantelakos, Parr, Popov, Quimby, Romoli, Rosencrantz, Scamman, Schmidtschen, Schwane, Sherburne, Skinner, Sloan, Sochalski, Splaine, Stork, Sytek, Tavitian, Tufts, Vartanian, Vecchione, Webster, Raymond Wood and Woodward.

STRAFFORD: Appleby, Banks, Belhumeur, Bernard, Blouin, Bouchard, Chagnon,

Chamberlin, Chisholm, Couture, Demers, Dingle, Donnelly, Fielding, Flynn, Grassie, Hennessey, Hussey, Robert Jones, Joos, Kincaid, Paul Meader, Pelley, Arnold Peters, Francis Robinson, Sackett, Schreiber, Gerald L. Smith, Timm, Franklin Torr and Whiting.

SULLIVAN: Brodeur, Carlson, Converse, Cutting, D'Amante, Flint, Gray, Ingram, Irwin, Paul Johnson, Susan Lawrence, Palmer, Roney and Townsend.

NAYS 19

BELKNAP: Matthew Locke.

CARROLL: Ashnault and Dickinson.

CHESHIRE: None.

COOS: None.

GRAFTON: Easton.

HILLSBOROUGH: Walter Healy, Labombarde, David Lemire, Roland Lemire, Levesque and Stylianos.

MERRIMACK: James Whittemore.

ROCKINGHAM: Ellyson, Thomas Gage, Hollingworth, Malcolm, Walker and Warburton.

STRAFFORD: Albert Dionne and Lussier.

SULLIVAN: None, and the Committee report was adopted.

Ordered to third reading.

Rep. Daniel Eaton notified the Clerk that he wished to be recorded in favor of the Committee report on HB 200.

SCR 4, urging the President and the Congress of the United States to eliminate federal restrictions on the use of marijuana by state programs for legitimate medical purposes. Ought to Pass.

The Committee felt that the federal regulations make it difficult, if not impossible, for New Hampshire to follow the state law which was passed in 1981, along with 33 other states, to relieve the pain and suffering associated with chemotherapy treatment. This resolution will reduce federal red tape. Vote 9-3. Rep. Eugene S. Daniell, Jr. for Health and Welfare.

Ordered to third reading.

HB 53-FN, establishing the department of postsecondary vocational education. Ought to Pass.

The Committee concurs with the Education Committee on setting up the Department of Postsecondary Vocational Education. Vote 19-0. Rep. Andrea A. Scranton for Appropriations.

Rep. Walter Robinson spoke against the Committee report.

Rep. Taffe spoke in favor of the Committee report and yielded to questions.

Ordered to third reading.

HB 833, designating the department of personnel as the agency responsible for overseeing a state equal employment opportunity plan and making an appropriation therefor. Ought to Pass with Amendment.

This bill designates the Department of Administration and Control as the agency responsible for overseeing a state equal employment opportunity plan. Under the Governor's reorganization plan in HB 500, a Division of Risk Management and Operations Analysis is established with seven new positions. The Comptroller testified that no appropriation is needed to implement the provisions of the bill. Vote 18-1. Rep. Margaret A. Ramsay for Appropriations.

Rep. Ward moved that HB 833 be recommitted to the Committee on Appropriations and spoke to her motion.

Reps. Spirou, Kidder and Rounds spoke in favor of the motion.

Adopted.

HB 833 was recommitted to the Committee on Appropriations.

Rep. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourn today it be to meet Thursday, May 12th at 1:00 p.m.

Adopted.

#### LATE SESSION

Third reading and final passage

HB 53-FN, establishing the department of postsecondary vocational education.

HB 232-FN, authorizing the transfer of boat registration fees previously collected to the dam maintenance fund.

HB 239-FN, relative to aerial surveillance for the discovery and control of forest fires.

HB 294-FN, providing for a method of protection of the groundwater of the state and establishing a water resources management program.

HB 322-FN, providing for the acquisition of a certain dam and water rights by the fish and game department and making an appropriation therefor.

HB 416-FN, instituting an automated information system for the state library.

HB 430-FN, providing filing fees for the construction or reconstruction of dams and making an appropriation therefor.

HB 498-FN, establishing migratory waterfowl stamp and a waterfowl conservation account.

HB 560-FN, relative to the restructuring of the state mental health system, and making an appropriation therefor.

SB 15-FN, relative to a special appropriation for resurfacing and betterments on the state highway system.

SB 74-FN, increasing the small claim limit for the department of public works and highways.

SB 81, authorizing the water supply and pollution control commission to negotiate with the Environmental Protection Agency concerning delegation of National Pollutant elimination discharge system responsibilities.

HB 200-FN, creating a state funded unified court system and making an appropriation therefor.

SCR 4, urging the President and the Congress of the United States to eliminate federal restrictions on the use of marijuana by state programs for legitimate medical purposes.

Rep. Rounds moved that the House stand in recess for the purpose of Introduction of Bills and Enrolling Reports only.

Adopted.

The House recessed at 3:05 p.m.

#### RECESS

(Speaker Pro Tem in the Chair)

Rep. Parr offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate bills numbered 70, 78 and 94, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 70, relative to interstate banking.  
(Commerce, Housing and Consumer Affairs)

SB 78, relative to renomination or reelection of teachers. (Judiciary)

SB 94-FN, relative to property tax exemptions. (Municipal and County Government)

#### RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn.  
Adopted.

# HOUSE JOURNAL 23

*Thursday, 12 May 83*

The House assembled at 1:00 p.m., and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

We have prayed for patience dear Lord, but now the time seems to be slipping away from us.

Many would seek us to vote for what appear to be easy answers and yet those trouble us. Help us this day to wait upon You and to find the renewing of strength and wisdom in our willingness to turn to You. This day as we pledge our allegiance "under God" let us draw peace of mind for our work and efforts knowing that You do care for us and are ready to help when we turn to You. In the name of Jesus the Christ we pray. Amen.

Rep. Matthew Locke led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Zimmerman, Stimmell, Waldron, Sallada, Lovejoy and Cressy, the day, illness.

Reps. Nevins, Bolan, Nagel, Dean, Charbonneau, Doris Riley, Knight, Musler, Timm, B. P. Smith, Roland Lemire and Krasker, the day, important business.

Rep. Hickey, the day, death in the family.

## INTRODUCTION OF GUESTS

Representative Paul White of Massachusetts and Alan Sokolow, guests of Reps. French and Tucker; Jonathan Bixby, Yvonne Bixby, Richard Caron, Holly Desrosiers, Hope Desrosiers, Douglas Dould, Gary Goodwin, Timothy Jones, Misty Kelley, Lisa Kelly, Heidi Kendall, Richard Kerr, Shawn MacDonald, Erin Munro, Adam Patridge, Karen Piper, Michael Ray, Chad Smith, Nancy Tunnell, Ethan Wright, Mrs. Diane King, Melissa Andrew, Stephany Bates, Danny Bixby, Eva Bixby, Robert Burns, Marcy Chong, Tina Comeau, Duane Daigle, Kirsten Giebutowski, Randy Latulippe, Jeffrey Lyman, Nickole Lyon, Sherry Cheney, Kristin MacDonald, Alicia Miller, Hal Patterson, Jennifer Pond, Jennifer Smith, Diana Tunnell, Lois Kerr, Boyd MacDonald, Nancy MacDonald, Diane Cheney, Daniel Becker, Kathy Comeau and Mrs. Beatrice Wendell, students and teachers from the Russell School in Rumney, guests of Reps. Wayne King and Taffe; Sally Wells, wife of Rep. Wells; George Pressly, son of

Rep. Pressly; Danny Tambasco, nephew of Rep. JoAnn Morse; Althea Splaine, wife of Rep. Splaine; Phyllis Hilker and daughters Laura and Kris Hilker, guests of Rep. Lynde; Ann Kaiser of Wisconsin, guest of Rep. Marilyn Campbell; students in United States Government from Franklin Pierce College, guests of Rep. William Riley; former Representative Charles Beard, guest of Rep. David Whittemore.

## COMMUNICATION

Mr. Carl A. Peterson  
Clerk of the House

Dear Mr. Peterson:

At a special election held May 10, 1983, Barbara A. Fried was elected Representative to the General Court to represent Hillsborough County District No. 16.

Sincerely,  
Robert P. Ambrose  
Deputy Secretary of State

## THREE LEGISLATIVE DAY EXTENSION GRANTED

SB 58, providing a limited hunting season for moose.

## SENATE MESSAGES ACCEDES REQUEST FOR COMMITTEE OF CONFERENCE

HB 315, making certain supplemental appropriations and relative to records relating to assigned counsel for indigent defendants.

The President appointed Sens. White, Bartlett and Champagne.

## CONCURRENCE

HB 92-FN, increasing the amount of annual wages paid to an individual for which contributions must be made for unemployment compensation.

HB 147-FN, relative to sunset review of the labor department - workmen's compensation.

HB 113-FN, relative to sunset review of the insurance department - examination division.

HB 90, relative to improvements to the central New Hampshire turnpike and making an appropriation therefor.

HB 510, relative to nursing home cost incentive programs.

HB 384, to establish a task force to design a cooperative system of placements for children.

HB 562, relative to dental examination of dead bodies not identifiable by other means.

HB 419, relative to the Laconia airport authority.

HB 620, giving the state the right of first refusal on rail properties offered for sale within the state.

HB 840-FN, relative to railroad right-of-way properties.

HB 252, providing for a right to a hearing before the commissioner of revenue administration relative to the annual rate percent of taxation.

HB 470-FN, to reclassify certain highways in the towns of Jefferson and Center Harbor from Class II to Class IV highways.

HB 508-FN, to exempt seasonal tourist attractions from certain public utility commission requirements.

HB 328, authorizing towns to establish general reserve funds for any purpose for which a town may raise money.

HB 432-FN, to extend the road toll increase.

HB 368-FN, relative to a non-resident minor's fishing license.

HB 229-FN, relative to hunting and fishing guides and license fees pertaining thereto.

HB 334, reclassifying the Pemigewasset river between the towns of Woodstock and Thornton and the East Branch Pemigewasset river between the towns of Lincoln and Woodstock.

HB 114-FN, relative to sunset review of the New Hampshire higher education and health facilities authority.

HB 218, relative to high school students as non-voting members of school boards.

HB 296, providing low cost loans for postsecondary education.

HB 345, relative to the duty of school boards to provide education.

HB 358, relative to degree granting authority.

HB 464, authorizing adjustments to the boundary line between the Concord Union school district and the Merrimack Valley school district.

HB 450-FN, relative to retention and disposition of official records of a school district.

HB 822, revising the charter of the Concord union school district.

HB 251-FN, relative to the state board of education.

HB 627, relative to registering civil aircraft.

HCR 8, calling upon Congress and the President of the United States to pay for the full entitlement under Public Law 81-874, the cost of providing public education for military dependents in New Hampshire.

HCR 10, applauding the parties involved in the historic agreement between the Province of Quebec and the New England States, to provide hydro-electric power to the people of New England.

#### NONCONCURRENCE

HB 336, to permit local authorities to lower speed limits in thickly settled areas.

#### REQUESTS CONCURRENCE WITH AMENDMENT

HJR 4, memorializing the Vietnam veterans. (amendment printed SJ 5/10)

Rep. Benton moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Benton, Ames, Ellyson and Albert Dionne.

#### ENROLLED BILLS AMENDMENTS

HB 192-FN, establishing a study committee on property tax exemptions for the elderly, amending the residential real estate tax exemption for the elderly and making other minor changes in RSA 72.

#### Amendment

Amend section 1 of the bill by striking out lines 4-6 and inserting in place thereof the following:

the house; the chairman of the joint legislative committee on elderly affairs or another member of such committee selected by the chairman; and one member to be appointed by the executive director of the

Amend section 2 of the bill by striking out lines 4 and 5 and inserting in place thereof the following:

that said paragraph as amended shall read as follows:

Amend section 3 of the bill by striking out line 2 and inserting in place thereof the following:

(supp) as inserted by 1975, 214:1 as amended by striking out said

Amend section 8 of the bill by striking out lines 1 through 5 and inserting in place thereof the following:

8 Reference Update. Amend RSA 72:33, I (supp) as inserted by 1969, 55:1 as amended by striking out in line 2 the citations "62 or 66" and inserting in place thereof the following (43-f, 62, 66 and 70) so that said paragraph as amended shall read as follows:

This amendment corrects (1) 2 citations and (2) the name of a joint committee.

Adopted.

HB 122-FN, relative to sunset review of the higher education fund - U.N.H. continuing education.

#### Amendment

Amend section 1 of the bill by striking out line 2 and inserting in place thereof the following:

The higher education fund - U.N.H. continuing education,

This amendment deletes a redundant word. Adopted.

HB 90, relative to improvements to the central New Hampshire turnpike and making an appropriation therefor.

#### Amendment

Amend RSA 237:7, I(e) as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:



(e) Improvements  
to Central New  
Hampshire turnpike.  
RSA 237:2, IV  
Six million  
five hundred  
forty-six  
thousand five  
hundred dollars  
(\$6,546,500)

Amend lines 1 and 2 of section 3 of the bill by striking out same and inserting in place thereof the following:

3 Borrowing Authorized. Amend RSA 237:8 as inserted by 1981, 87:1 by striking out in line 4 the sum "\$101,200,000" and inserting

This amendment sunsets the words "New Hampshire turnpike" which were omitted and corrects an error in amending language.  
Adopted.

#### ENROLLED BILLS REPORT

SB 8, relative to large town water pollution grants.

SB 33, relative to the method of filling vacancies on the Portsmouth school board.

HB 75, permitting persons to execute terminal care documents.

HB 92, increasing the amount of annual wages paid to an individual for which contributions must be made for unemployment compensation.

HB 113, relative to sunset review of the insurance department - examination division.

HB 147, relative to sunset review of the labor department - workmen's compensation.

HB 177, to amend the charter of St. Paul's school.

HB 213, eliminating the requirement that payments be made on a quarterly basis for community mental health programs.

HB 242, making a supplemental appropriation to the office of the attorney general to settle the following cases: Hudson v. Dubois et al.; Montague v. Youth Development Center; Shepard v. Armstrong; and Faucher et al. v. Rothenberg et al.

SB 9, relative to the penalty for killing dogs.

SB 26, relative to the membership of the postsecondary education commission.

SB 39, exempting the Mount Washington Cog Railway from public utility commission jurisdiction over water companies.

HB 69, relative to bulk power siting procedures.

HB 80, relative to automobile warranties.

HB 98, to provide for the referral of cases of serious bodily injury to the attorney general or county attorney.

HB 194, requiring dentists to make a record of all dental work performed and to maintain such record for 7 years.

HB 197, establishing a committee to propose a recodification of the agriculture, horticulture and animal husbandry laws in title XL and other RSA titles.

HB 327, establishing fees for any publication produced by the department of fish and game.

HB 329, relative to gifts to the department of fish and game.

Rep. Francis X. Donovan  
Sen. John P. H. Chandler, Jr.  
For the Committee.

Rep. Rounds moved that the Consent Calendar with the relevant amendment as printed in the day's House Record be adopted.

SB 61, legalizing certain school district meetings and school district elections, was removed at the request of Rep. Mann.

SB 180, relative to senate redistricting, was removed at the request of Rep. Jacobson.

SB 200, relative to political activities by classified and unclassified state employees, was removed at the request of Rep. Sytek.

Adopted.

#### COMMITTEE REPORTS (Consent Calendar)

HB 702-FN, providing for the licensing of transporters of hazardous materials and wastes and defining the penalty structure and rulemaking process for hazardous materials or wastes transportation. Ought to Pass with Amendment.

The amendment exempts certain vehicles, which are already regulated by previous law. Also exempted are individual sportsmen transporting 50 pounds or less gunpowder sporting propellant or primer for his/her own use. Vote 21-0. Rep. Paul I. LaMott for Appropriations.

#### Amendment

Amend RSA 106-A:20, II as inserted by section 5 of the bill by striking out same and inserting in place thereof the following:

II. The provisions of paragraph I shall not apply to any vehicle owned or operated by the federal government or any political subdivision thereof, nor to properly registered agricultural vehicles used in a bona fide farming operation, nor to any vehicle when used during an emergency with the specific approval of a peace officer, fire chief, designated official of the department of health and welfare, or the state fire marshal. The provisions of paragraph I shall not apply to any vehicle which has been issued a permit by the division of public health services for the transportation of wastes within the state under RSA 147-A:6 and rules adopted under RSA 147-A, provided that this exemption shall apply only to those hazardous materials or wastes within the vehicle which are subject to the permit issued by the division of public health services or exempted under federal law. The provisions of paragraph I shall not apply to any person who stores and handles explosives while transporting 50 pounds or less of gunpowder, sporting propellants or primers from one location to another, nor to any sportsman transporting 50 pounds or less of gunpowder, sporting propellants or primers for his own use.

HB 802, relative to morticians. Ought to Pass.

The Committee concurs with the recommendations of the Executive

Departments and Administration Committee. Vote 21-0. Rep. Margaret A. Ramsay for Appropriations.

HBI 2002, studying how to encourage captive insurance companies to locate their head offices in New Hampshire. Refer for Interim Study.

This bill of intent is being directed to interim study as a substantial state revenue exists in this captive insurance business. Importance is placed on New Hampshire getting into this program sooner rather than later, insofar as the limited amount of companies which will seek to relocate in a captive insurance state. Vote 13-4. Rep. Peter F. Wells for Commerce, Housing and Consumer Affairs.

SB 40, relative to selling venison imported into the state. Ought to Pass with Amendment.

This bill allows gourmet foods to be sold in New Hampshire and protects our New Hampshire wildlife. Vote 17-0. Rep. Edward Allgeyer for Commerce, Housing and Consumer Affairs.

#### Amendment

Amend RSA 212:30-d, III as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

III. Resident and nonresident wholesalers who wish to sell imported venison in this state as permitted in paragraph I shall procure a wholesaler's license from the department of fish and game to do so, the fee for which shall be \$50. Said license shall expire on December 31 of each calendar year. Wholesalers shall provide bills of sale in triplicate, one copy of which shall be forwarded to the department of fish and game within 10 days of the sale, another copy of which shall be given to the restaurant owner, and the third copy of which shall be retained as a file copy by the wholesaler.

Amend RSA 212:30-d as inserted by section 1 of the bill by inserting after paragraph III the following new paragraph:

III-a. Resident wholesalers licensed pursuant to paragraph III may import venison, other than Virginia white-tail deer (*Odocoileus virginianus*), into this state for use in processing of gift-packaged meats specifically for mail order.

SB 44, enlarging the list of authorized investment rating services. Ought to Pass with Amendment.

This bill removes the names of rating services from the statutes and uses any nationally-rated services for reference. Vote 16-0. Rep. Edward Allgeyer for Commerce, Housing and Consumer Affairs.

#### Amendment

Amend RSA 387:1, XVI as inserted by section 1 of the bill by striking out said paragraph and inserting in place thereof the following:

XVI. Rating Services. Any nationally recognized rating services which the commissioner approves as a qualified service for purposes of this chapter.

SB 79, relative to disclosure of security takeovers. Ought to Pass.

The purpose of this bill is to protect the New Hampshire Security Takeover Law from possible conflict with the United States Constitution and new federal regulations. Vote 13-0. Rep. Conrad L. Quimby for Commerce, Housing and Consumer Affairs.

SB 51, holding evaluation committee members harmless for certain actions in regards to degree granting authority. Ought to Pass.

This bill establishes legal protection from the Attorney General's Office for members of evaluation teams selected by the Postsecondary Education Commission to evaluate requests for degree granting authority by colleges in the state. Vote 18-0. Rep. Ralph W. Pearson for Education.

SB 90-FN, authorizing the establishment of a reserve fund to meet the expenses of educating educationally handicapped children. Ought to Pass.

This bill authorizes a school district to establish a reserve fund to meet the expenses of educating educationally handicapped children. There was no opposition to the bill. Vote 19-0. Rep. Betty Jo Taffe for Education.

SJR 1, to declare 1983 "The Year of the Forest." Ought to Pass.

The Committee was unanimous in approval of this resolution as a fine way to recognize the importance of the forests of New Hampshire to New Hampshire. Vote 20-0. Rep. Roberta C. Pevear for Environment and Agriculture.

SB 41, relative to certain positions in the department of revenue administration and authorizing the exchange of information with other states. Ought to Pass with Amendment.

This bill upgrades Revenue Administration audit capability and authorizes compacts with other states for the purpose of better administration of New Hampshire tax laws. The fiscal note estimates a 10:1 ratio of new revenue to new costs. Vote 21-0. Rep. Victor Joos for Executive Departments and Administration.

#### Amendment

Amend the bill by striking out section 7 and inserting in place thereof the following:  
7 Effective Date. This act shall take effect upon its passage.

SB 49, permitting the hunting of wild boar with a limit of one boar per hunter per season. Inexpedient to Legislate.

The predominant testimony on this bill was in opposition to its enactment. The Committee agreed and voted 16-0. Rep. Marshall French for Fish and Game.

SB 32, eliminating the waiting period for amending a legal separation decree to one of divorce. Ought to Pass.

This bill amends the statutes concerning legal separation by eliminating the four-year waiting period before filing for divorce. It is compatible with New Hampshire's philosophy of "no fault" divorce. Vote 15-0. Rep. Geraldine Watson for Judiciary.

SB 177, relative to the sale of deadly weapons to minors. Inexpedient to Legislate. As written, SB 177 is dangerously vague and would allow persons to be charged with a misdemeanor for selling a baseball bat. Vote 11-3. Rep. Daniel A. Eaton for Judiciary.

SB 48-FN, relating to the issuance of bonds and notes by municipalities and counties. Ought to Pass.

This bill allows the treasurer of municipalities and counties to contract for and engage the services of certain financial institutions in regard to certain functions relating to municipal bonds and notes if the officer authorized to sign such instruments approves. Vote 13-0. Rep. Lawrence Cronin for Municipal and County Government.

SB 60, providing a referendum to discontinue the office of the city manager in the city of Berlin. Ought to Pass. The Committee feels that the residents of the City of Berlin should have the right to vote on their choice to change the City Manager form of government. Apparently, the City Council has vetoed any attempt in the past to make this change. Vote 13-0. Rep. Everett R. Reney for Municipal and County Government.

SB 69-FN, relative to retention of certain investments by town trustees. Ought to Pass.

This bill makes it unnecessary for trustees of trust funds to sell securities which become illegal temporarily. All testimony was in favor. Vote 13-0. Rep. John P. Lawrence for Municipal and County Government.

SB 80-FN, enabling municipalities to establish central business service districts. Ought to Pass.

This is enabling legislation allowing the establishment of separate districts to be funded other than taxation, for special municipal services not necessarily supplied by the rest of the community. Vote 13-0. Rep. Lawrence Cronin for Municipal and County Government.

SB 98, authorizing trustees of trust funds to towns and cities to place securities in nominee name in a bank trust department. Ought to Pass.

This bill authorizes trustees of trust funds of municipalities to place

securities in nominee name in a bank trust department. Vote 13-0. Rep. Eugene W. Clark for Municipal and County Government.

SB 134-FN, relative to the payments by towns and cities to counties. Inexpedient to Legislate.

The Committee felt the problem was not a major one and no legislation was warranted at this time. Vote 14-0. Rep. David M. Perry for Municipal and County Government.

SB 66, relative to state guarantees for water pollution control projects and state contributions for the construction of pollution control systems. Ought to Pass with Amendment.

This bill makes all towns eligible for the twenty percent state contribution to the costs of water pollution control measures regardless of the size of the community. Vote 14-0. Rep. Mary Ann Lewis for Resources, Recreation and Development.

#### Amendment

Amend RSA 149-B:1-b as inserted by section 2 of the bill by striking out ~~same~~ and inserting in place thereof the following:

149-B:1-b Alternate State Contributions. Any municipality of this state which undertakes the construction of sewage disposal facilities in accordance with the provisions of RSA 148 or 149, without the benefit of a federal grant is entitled to an alternate state contribution. This alternate contribution shall consist of the payment of 20 percent of the annual amortization charges, meaning principal and interest, on the original costs resulting from the acquisition and construction of the sewage disposal facilities. The word "construction" shall include engineering services, in addition to the construction of new sewage treatment plants, pumping stations, and intercepting sewers; and the altering, improving or adding to existing treatment plants, pumping stations and existing intercepting sewers, provided that the construction has been directed by the water supply and pollution control commission or is a voluntary undertaking designed to control or reduce pollution in the ground and surface waters of the state, as defined in RSA 149:1, and provided that the plan for the facilities is approved in accordance with RSA 148:25. The term "original costs" as used in this section shall mean the entire cost of the construction as defined above, excluding land acquisition, easements, and rights of way necessary to the project.

Referred to Appropriations.

SB 152-FN, granting authority to the office of state planning to accept and expend community development block grant funds. Ought to Pass.

This bill grants authority to the Office of State Planning to accept and expend

community development block grant funds. Vote 17-0. Rep. Mary Ann Lewis for Resources, Recreation and Development.

Referred to Appropriations.

SB 31, permitting the broadcast of public notices on radio and television. Ought to Pass.  
This bill allows public officials to use radio or television for public notices. Vote 8-2. Rep. Natalie S. Flanagan for Statutory Revision.

SB 217, relative to the election laws. Ought to Pass.  
This bill changes the reference in the RSA from "qualified" voter to "registered" voter. Vote 10-0. Rep. Natalie S. Flanagan for Statutory Revision.

SB 219, relative to voting by citizens who live overseas. Ought to Pass with Amendment.  
The title of SB 219 has been changed to allow for amendment. The amendment makes changes in voter registration cards. Vote 10-0. Rep. Natalie S. Flanagan for Statutory Revision.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to voter registration.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Additional Information. Amend RSA 654:7 (supp) as inserted by 1979, 436:1 as amended by striking out said section and inserting in place thereof the following:  
654:7 Voter Registration Form. A standard registration application form shall be used throughout the state. The registration form shall be 4 inches by 6 inches and shall be made in triplicate. The secretary of state shall provide for the preparation of the voter registration form which shall be in substantially the following form:

VOTER REGISTRATION CARD  
(Please print or type)

1. Name .....  
Last First Middle Initial

2. Party Affiliation (if any) .....  
.....

3. Address .....  
Street Ward No.  
.....  
City County Zip

4. Birth Place .....  
City State

5. If a naturalized citizen, give name of court where and date when naturalized .....  
.....

6. Date of Birth .....  
Mo./Date/Yr.

7. Date of Registration .....  
Mo./Date/Yr.

8. Place last registered to vote, if not a new registrant .....  
.....

9. Name under which previously registered, if any .....  
.....

I hereby swear, under penalty of perjury, that my permanent established domicile is at the above address and that the information above is true and correct to the best of my knowledge and belief.

.....  
(Signature of Applicant)

2 Effective Date. This act shall take effect 60 days after its passage.

SUSPENSION OF RULES

Reps. Rounds and Spirou moved that the Rules be so far suspended as to permit consideration at the present time of House Resolution 36, requesting an opinion of the justices on HB 674-FN, without referral, public hearing, committee report and the required two-day notice in the Calendar. Adopted by the necessary two-thirds.

HOUSE RESOLUTION NO. 36

requesting an opinion of the justices on HB 674-FN.

WHEREAS, there is presently pending before the House of Representatives HB 674-FN, An Act relative to a uniform business tax, to which there has been proposed an amendment subsequent to the Opinion of the Justices, dated May 6, 1983, and

WHEREAS, HB 674-FN, if said amendment is adopted, would impose a tax on business organizations which are currently subject to a tax on their net income under the business profits tax, RSA 77-A, and

WHEREAS, HB 674-FN with said proposed amendment does not repeal the business profits tax, RSA 77-A, but provides for a credit against the tax imposed pursuant to RSA 77-A for the uniform business tax paid pursuant to RSA 77-E, and

WHEREAS, HB 674-FN with the proposed amendment establishes a distinct class of property defined as the business organization's "tax base" with respect to which the uniform business tax is imposed which is intended to be distinct from "taxable business profits" or "net profits" which are currently subject to taxation under RSA 77-A, and

WHEREAS, the stated purpose of the bill is to spread the burden of taxation more



equally among all business organizations, now therefore be it

RESOLVED, by the House of Representatives that the Justices of the Supreme Court be respectfully requested to give their opinion upon the following questions:

1. Would the establishment of a class of property known as "tax base" as provided for in HB 674-FN with said amendment create a class of property distinct from "taxable business profits" or "net profits" as defined in RSA 77-A so as to allow each class to be taxed differently without violating the provisions of Part I, Article 12 and Part II, Article 5 of the New Hampshire Constitution?

2. Would enactment of HB 674-FN with the proposed amendment, which would impose a uniform business tax on a business organization's tax base and provides for a credit for all taxes paid pursuant thereto against the business organization's tax imposed by RSA 77-A, violate the provisions of Part I, Article 12 and Part II, Article 5 of the New Hampshire Constitution?

3. Would enactment of HB 674-FN with said proposed amendment violate any other provision of the New Hampshire Constitution?

That the Clerk of the House transmit 7 copies of this resolution to the Justices of the Supreme Court together with an equal number of copies of HB 674-FN and the proposed amendment.

Rep. Scamman spoke in favor of the resolution.

Ordered to third reading.

#### COMMITTEE REPORTS (cont.) (Regular Calendar)

HB 463, transferring the licensing and enforcement of duties of the state liquor commission to the department of safety. Ought to Pass with Amendment.

This bill transfers the licensing and enforcement duties of the State Liquor Commission to the Department of Safety. The amendment eliminates the restricted fund and designates that all fees will be deposited in the general fund. Vote 12-10. Rep. William F. Kidder for Appropriations.

#### Amendment

Amend RSA 176:14-a as inserted by section 22 of the bill by striking out same and inserting in place thereof the following:

176:14-a Funds; Division. All net revenues derived by the division from the issuance of licenses to manufacture or sell wine or liquor and permits to manufacture, transport or sell beverages shall be paid into the general fund.

Amend RSA 181:33 as inserted by section 54 of the bill by striking out same and inserting in place thereof the following:

181:33 Disposition of Funds. All income received by the division from the provisions of this chapter shall be disposed of as provided under RSA 176:14-a. All income received by the commission from the provisions of this chapter shall be paid to

the state treasurer for deposit in the general fund.

Amendment adopted.

Rep. Langley moved that the words, Refer for Interim Study, be substituted for the Committee report, Ought to Pass with Amendment, and spoke to his motion.

Reps. Margaret Ramsay, Ward and Rounds spoke against the motion and yielded to questions.

Rep. Chambers spoke in favor of the motion and yielded to questions.

Reps. Dexter, Sytek and Robert Holmes spoke against the motion.

Reps. Newman, Leslie, Powers, Jacobson and James J. White spoke in favor of the motion.

Rep. Townsend moved the previous question. Sufficiently seconded. Adopted.

Rep. French requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 201 NAYS 149

YEAS 201

BELKNAP: Bolduc, Gary Dionne, Golden and Pearson.

CARROLL: Chase, Heath, Powers and Saunders.

CHESHIRE: Barber, Boulter, Eugene Clark, Daniel Eaton, Eisengrein, Elmer Johnson, Kennedy, Matson, David Meader, Michaelides, William Riley and William Sullivan.

COOS: Brideau, Harold Burns, Chappell, Coulombe, Guay, Horton, Langley, George Lemire, Oleson, Theriault, Valliere and York.

GRAFTON: Chambers, Copenhaver, Crory, Densmore, Downing, Driscoll, Easton, Girouard, Hutchings, Michael King, Wayne King, McAvoys, Stevens, Weymouth and Whitcomb.

HILLSBOROUGH: Abrams, Debora Ahern, Richard Ahern, Baker, Bergeron, Burkush, Cote, Cronin, Crotty, William Dion, Donovan, Drowniak, Durant, Clyde Eaton, Gagnon, Galway, Gelin, Grasso, George Hawkins, Daniel Healy, Walter Healy, Hendrick, Humphrey, Michael Jones, Kaklamanos, Kashulines, Katsiaficas, Evelyn King, Labombard, Lefebvre, Levesque, Lynde, Lyons, Martineau, Howard Mason, McGlynn, Migneault, Morrisette, Nelson, O'Rourke, Paradis, Pressly, Raiche, Reidy, Resch, Robie, Roy, Silva, Soucy, Spirou, Steiner, Mary Sullivan, Talbot, Turgeon, Vachon, John Wallace, Roger Wallace, Ware, Robert Wheeler, James J. White, Eleanor Whittemore, Winn and Zajdel.

MERRIMACK: Allgeyer, Samuel Clark, Daniell, Degnan, Mary Holmes, Jacobson, Kinhan, LaBranche, Lewis, McDonnell, Mercier, Nichols, Parrish, Phelps, Louise Roberts, William Roberts, Savaria, Gerald R. Smith, Stark, Stio, Lawrence Sullivan, Trombly, Wallner and James Whittemore.

ROCKINGHAM: Ames, Belanger, Blanchard, Blanchette, Burdick, Carpenito, Case, Connors, Cotton, Danderson, Drake, Ellyson, Harry Flanders, Thomas Gage, Gregorio,



Hollingworth, John Hynes, Kane, Katsakiores, Keenan, Glenden Kelley, Kozacka, Leslie, Longworth, Joseph MacDonald, McLane, William Moore, Newell, Newman, Palumbo, Pevear, Schwaner, Simon, Sochalski, Splaine and Warburton.

STRAFFORD: Banks, Belhumeur, Bernard, Blouin, Bouchard, Chagnon, Chamberlin, Chisholm, Couture, Demers, Dingle, Albert Dionne, Donnelly, Fielding, Flynn, Grassie, Hamel, Hennessey, Hussey, Joos, Kincaid, Lussier, Francis Robinson, Schreiber and Whiting.

SULLIVAN: Brodeur, Carlson, Converse, D'Amante, Irwin and Paul Johnson.

NAYS 149

BELKNAP: Birch, Bowler, Dexter, French, Hardy, Robert Hawkins, Holbrook, Lamprey, Matthew Locke, Randall, David Whittemore and Zeckhausen.

CARROLL: Ashnault, Dickinson, Robert Holmes, Hraba, Kenneth MacDonald, McIntire and Murphy.

CHESHIRE: Crane, Davis, Calloway, Gordon, Grodin, Lane, Miller, Morse, Parker, Perkins, Perry and Margaret Ramsay.

COOS: Chardon and David King.

CRAFTON: Blair, Christy, Duggan, Harnish, LaMott, Logan, Mann, Rounds, Stewart, Taffe, Walter and Ward.

HILLSBOROUGH: Ahrens, Arnold, Arris, Bass, Bottwell, Brack, John Burns, Leslie Burns, Carragher, Craig, Duprey, Joseph Eaton, Fields, Ford, Harrington, Head, Thomas Hynes, Jean, Keefe, Robert Kelley, John Lawrence, Leclerc, Nickerson, Nute, Parmenter, Marjorie Peters, Quinn, Ellen-Ann Robinson, Russell, Leonard Smith, Stylianos, James Sullivan, Sylvia, Tamposi, Van Loan, Wagner, Geraldine Watson, Harold Watson, Wells, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Anderson, Bardsley, Bibbo, Laurent Boucher, Bowes, Cate, Chynoweth, Gross, Kidder, Arthur Locke, Pannell, Walter Robinson, Rogers and Underwood.

ROCKINGHAM: Bangs, Beliveau, Benton, Blaisdell, Blake, William Boucher, Butler, Campbell, Day, Flanagan, John Flanders, Beverly Gage, Greene, Joslyn, Roger King, Mace, Malcolm, Robert Mason, Parr, Popov, Quimby, Rosencrantz, Scamman, Schmidtchen, Sherburne, Skinner, Sloan, Sytek, Tavitian, Tufts, Vartanian, Walker, Webster, Raymond Wood and Woodward.

STRAFFORD: Appleby, Robert Jones, Paul Meader, Pelley, Sackett, Gerald L. Smith and Franklin Torr.

SULLIVAN: Cutting, Flint, Gray, Ingram, Palm, Roney and Townsend, and the substitute motion was adopted.

Referred for Interim Study.

SB 47, allowing military recruiters access to all public or publicly funded schools. Ought to Pass.

SB 47 is nearly identical to HB 827-FN, which has already passed the House and is currently before the Senate. SB 47 has been reported favorably by the Committee purely as an "insurance policy" until it is seen what the fate of HB 827 may be in the Senate. It is intended by the Committee to ask that SB 47 be tabled in the event of its passage to that end. The initial vote of 10-9 Ought to Pass was merely over a question whether "Ought to Pass - tabled" or "Inexpedient - tabled" was the proper "insurance policy" to buy. Rep. William A. Riley for Education.

Rep. Daniell moved that the words, Inexpedient to Legislate, be substituted for the Committee report, Ought to Pass, and spoke to his motion.

Rep. William Boucher spoke against the motion.

Rep. William Riley moved that SB 47 be laid upon the table.

Adopted.

SB 61, legalizing certain school district meetings and school district elections. Ought to Pass.

The bill legalizes the 1983 school district meetings and 1983 school district elections in the towns of Allenstown, Chichester and Pembroke, and legalizes the 1983 school district elections in the towns of Deerfield, Epsom and Canaan. Vote 13-0. Rep. Roger C. King for Municipal and County Government.

Rep. Mann offered an Amendment.

Amendment

Amend the bill by striking out section 7 and inserting in place thereof the following:

7 Winchester School District. All acts, votes and proceedings of the annual school district meeting in the town of Winchester held on March 5, 1983, are hereby legalized, ratified and confirmed.

8 Effective Date. This act shall take effect upon its passage.

The Clerk read the amendment.

Rep. Mann explained the amendment.

Amendment adopted.

Ordered to third reading.

SB 180, relative to senate redistricting. Ought to Pass.

The bill changes senatorial districts for better confirmation. Vote 10-0. Rep. Natalie S. Flanagan for Statutory Revision.

Rep. Flanagan yielded to questions.

Rep. Jacobson spoke to the Committee report.

Ordered to third reading.

SB 200, relative to political activities by classified and unclassified state employees. Ought to Pass.

This allows state employees to make political contributions to candidates of their choice. Vote 9-1. Rep. Natalie S. Flanagan for Statutory Revision.

Rep. Flanagan moved that SB 200 be recommitted to the Committee on Statutory Revision and spoke to her motion. Adopted.

Rep. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourn today it be to meet Tuesday, May 17th at 1:00 p.m.

Adopted.

#### LATE SESSION

Third reading and final passage

HB 702-FN, providing for the licensing of transporters of hazardous materials and wastes and defining the penalty structure and rulemaking process for hazardous materials or wastes transportation.

HB 802, relative to morticians.

SB 40, relative to selling venison imported into the state.

SB 44, enlarging the list of authorized investment rating services.

SB 79, relative to disclosure of security takeovers.

SB 51, holding evaluation committee members harmless for certain actions in regard to degree granting authority.

SB 90-FN, authorizing the establishment of a reserve fund to meet the expenses of educating educationally handicapped children.

SJR 1, to declare 1983 "The Year of the Forest."

SB 41, relative to certain positions in the department of revenue administration and authorizing the exchange of information with other states.

SB 32, eliminating the waiting period for amending a legal separation decree to one of divorce.

SB 48-FN, relating to the issuance of bonds and notes by municipalities and counties.

SB 60, providing a referendum to discontinue the office of the city manager in the city of Berlin.

SB 61, legalizing certain school district meetings and school district elections.

SB 69-FN, relative to retention of certain investments by town trustees.

SB 80-FN, enabling municipalities to establish central business service districts.

SB 98, authorizing trustees of trust funds to towns and cities to place securities in nominee name in a bank trust department.

SB 31, permitting the broadcast of public notices on radio and television.

SB 180, relative to senate redistricting.

SB 217, relative to the election laws.

SB 219, relative to voting by citizens who live overseas.

HR 36, requesting an opinion of the justices on HB 674-FN.

#### UNANIMOUS CONSENT

Rep. Bibbo addressed the House by Unanimous Consent.

#### PERSONAL PRIVILEGE

Rep. Spirow addressed the House under Personal Privilege.

Rep. Rounds moved that the House stand in recess for the purpose of Introduction of Bills and Enrolling Reports only.

Adopted.

The House recessed at 3:18 p.m.

#### RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn. Adopted.

# HOUSE JOURNAL 24

*Tuesday, 17 May 83*

The House met at 1:00 p.m., and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

The psalmist voices our concerns: "When I gaze into the star-studded skies and attempt to comprehend the vast distances, I contemplate in utter amazement my Creator's concern for me, that You should care personally for me. And yet You have made me in Your image. You have called me Your child. You have assigned to me the fantastic responsibility of carrying on Your creative activity." O let me live in wonder and in joy this day, mindful of the work You have given me and the Holy Spirit to help me carry out my responsibilities. O God, how full of wonder and splendor You are! Amen.

Rep. Gordon led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Stimmell, Waldron, Chisholm, Sallada, Zimmerman and Dreniak, the day, illness.

Reps. Knight, Timm, Lewis, Perkins and Wallner, the day, important business.

## INTRODUCTION OF GUESTS

Former Senator Calvin Langford, guest of Rep. Danderson; Elizabeth Whittemore and Margaret Beaupre, guests of Rep. James Whittemore; former Representative Seth Lamson, guest of Rep. Kidder; former Representative Pat Cote, guest of Rep. Butler; students from Newport High School and their instructor Mrs. Thurlow, guests of Rep. Irwin; John Leonard, guest of Rep. Humphrey.

## COMMUNICATION

Carl A. Peterson  
House Clerk

Dear Mr. Peterson:

This is to advise that the following representative-elect was sworn into office by the Governor and Council at their meeting on May 17, 1983:

Barbara A. Fried, r, Greenville (P.O. Box 414) 03048

Hillsborough County District No. 16  
(Greenville, Brookline, Mason)

Sincerely,  
William M. Gardner  
Secretary of State

Rep. Rounds offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Concurrent Resolution numbered 6, shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.  
Adopted.

INTRODUCTION OF SCR  
First, second reading and referral

SCR 6, urging the Democratic National Committee and presidential candidates to help New Hampshire preserve its first in the nation presidential primary status.  
(Statutory Revision)

## SENATE MESSAGES CONCURRENCE

HB 131-FN, relative to sunset review of the department of agriculture - meat inspections.

HB 225-FN, relative to apple marketing.

HB 255-FN, relative to nonresident commercial salt water fishing license.

HB 323-FN, relative to the Summer Brook fish hatchery in the town of Ossipee.

HB 339-FN, providing the town of Ossipee the first option on purchasing the Summer Brook rearing station.

HB 354, relative to increasing the legal length for taking lobster.

HB 357, relative to the acquisition of a dam in disrepair by a town or village district and proceedings before the water resources board.

HB 377, relative to emergency action plans for dams.

HB 392-FN, relative to dams owned by the department of fish and game.

HB 408-FN, relative to hydra funds.

HB 427-FN, establishing civil penalties for violation of laws affecting dams and flowage.

HB 429, authorizing the repair or reconstruction of certain dams.

HB 643-FN, relative to fees, definitions and enforcement procedures relative to hazardous waste.

HB 380, relative to reports required to be filed by certain political committees.

HB 736, relative to absentee voting for school district elections.

HB 259-FN, moving the town of Madbury from the Dover judicial district to the Durham judicial district for the purposes of district court jurisdiction.

HB 413, reclassifying certain highways in the town of Conway.

HB 595-FN, extending the period of time the public utilities commission may suspend the rate schedule under certain circumstances.

HB 682, requiring certification by the state fire marshal of certain firefighting units.

HB 346, relative to permanent applications for tax exemptions.

HB 457-FN, relative to distributing evenly the tax exemption for totally disabled veterans.

## REQUESTS CONCURRENCE WITH AMENDMENT

HB 479, relative to the incompatibility of certain offices. (amendment printed SJ 5/12)

Rep. Flanagan moved that the House concur.

Adopted.

## NONCONCURRENCE

HB 396, permitting voters in towns with a population of 700 or more persons to petition to keep the polls open until 8:00 p.m.

## RECONSIDERATION

Rep. Rounds moved that the House reconsider its action whereby it introduced SCR 6, urging the Democratic National Committee and presidential candidates to help New Hampshire preserve its first in the nation presidential primary status.

Reconsideration prevailed.

## SUSPENSION OF JOINT RULES

Rep. Rounds moved that the Joint Rules be so far suspended as to permit the introduction of SCR 6, urging the Democratic National Committee and presidential candidates to help New Hampshire preserve its first in the nation presidential primary status, after the deadline.

Adopted by the necessary two thirds.

## INTRODUCTION OF SENATE CONCURRENT RESOLUTION

First, second reading and referral

SCR 6, urging the Democratic National Committee and presidential candidates to help New Hampshire preserve its first in the nation presidential primary status. (Statutory Revision)

Rep. Rounds moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

SB 91-FN, providing cost of living increases to teachers retired prior to 1957, was removed at the request of Rep. Chynoweth.

SB 130-FN, relative to retirement benefits for Francis A. Talbot and making an appropriation therefor, was removed at the request of Rep. Chynoweth.

SB 55, relative to shooting human beings while on a hunting trip or shooting in the woodlands, was removed at the request of Rep. Sytek.

SB 57, relative to the authority of selectmen over certain police budgets, was removed at the request of Rep. Mann.

Adopted.

COMMITTEE REPORTS  
(Consent Calendar)

SB 24-FN, relative to the off highway recreational vehicle laws. Ought to Pass. License fees increased at the request of OHRV clubs to fund additional services. Other vehicles such as motorcycles which utilize OHRV trails are required to

obtain a license to do so. This bill is a result of extensive study. Vote 19-0. Rep. Paul I. LaMott for Appropriations.

SB 76-FN, providing for payment of a claim to Kenneth Clark, of Office Products Co., Inc. and making an appropriation therefor. Inexpedient to Legislate.

This bill is in direct conflict with RSA 541 which states that no legislator may file a bill on a subject which has already been denied by another state agency. Vote 19-0. Rep. Paul I. LaMott for Appropriations.

SB 155-FN, relative to a lump sum payment to Ronald C. Broderick. Ought to Pass.

With the cost of bookkeeping, this annual payment will save the state approximately \$700 annually. Vote 18-0. Rep. Paul I. LaMott for Appropriations.

SB 37-FN, requiring fire warning devices in all multi-unit dwellings. Ought to Pass. For the safety of all residents in New Hampshire the Committee urges the passage of this bill. Vote 13-2. Rep. Edward J. Allgeyer for Commerce, Housing and Consumer Affairs.

SB 95-FN, relative to the examination of insurance companies, insurance company license fees and relicensing of insurance companies. Ought to Pass.

This bill would help the Insurance Department to conduct examinations with a more efficient use of personnel. Vote 13-0. Rep. Edward J. Allgeyer for Commerce, Housing and Consumer Affairs.

SB 101, relative to the flash point of kerosene or similar illuminating or fuel oils. Ought to Pass.

By lowering the flashpoint of kerosene from 110 degrees Fahrenheit to 100 degrees, the bill would bring New Hampshire into conformity with national standards and other states. Vote 12-0. Rep. Conrad L. Quimby for Commerce, Housing and Consumer Affairs.

SB 99, amending the charters of the university system of New Hampshire and Mary Hitchcock hospital. Ought to Pass.

This bill corrects an error which occurred when the University System of New Hampshire's statutes were recodified in the 1981 session. The bill also includes an amendment passed in the Senate which allows the Mary Hitchcock Hospital to change its charter without legislative action. There was no opposition to either feature of the bill and will provide improvements to the respective charters. Vote 12-0. Rep. James F. Kinhan for Education.

SB 210-FN, providing for an appropriation to the New Hampshire constitution bicentennial education commission. Ought to Pass.

SB 210 makes an appropriation of \$10,000 to the New Hampshire Constitution Bicentennial Education Commission to enable the Commission to arrange for a suitable display in the State House Visitors' Center. Vote 12-0. Rep. Mary S. Nelson for Education.

Referred to Appropriations.

SB 6, to amend the child pornography law. Ought to Pass with Amendment. The amendment provides a class A penalty for the act of solicitation of children for pornographic photography. This bill closes a loophole in the law very specifically. Vote 16-0. Rep. Geraldine G. Watson for Judiciary.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to endangering the welfare of children.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

#### 1 Endangering Welfare of Children.

Amend RSA 639:3 as inserted by 1971, 518:1 by striking out said section and inserting in place thereof the following:

639:3 Endangering Welfare of Child or Incompetent.

I. A person is guilty of endangering the welfare of a child or incompetent if he knowingly endangers the welfare of a child under 18 years of age or of an incompetent person by purposely violating a duty of care, protection or support he owes to such child or incompetent, or by inducing such child or incompetent to engage in conduct that endangers his health or safety.

II. In the prosecution of any person under this section, the tattooing by any person of a child under the age of 18 constitutes endangering the welfare of such child.

III. In the prosecution of any person under this section, the solicitation by any person of a child under the age of 16 to engage in sexual penetration as defined by RSA 632-A:1, V or any other sexual conduct as defined by RSA 650:1, VI for the purpose of making any material deemed obscene pursuant to RSA 650:1, IV constitutes endangering the welfare of such child.

IV. A person who pursuant to the tenets of a recognized religion fails to conform to an otherwise existing duty of care or protection is not guilty of an offense under this section.

V. A person who endangers the welfare of a child or incompetent by violating paragraph III of this section is guilty of a class A felony. All other violations of this section are misdemeanors.

2 Effective Date. This act shall take effect 60 days after its passage.

SB 28-FN, relative to driving while intoxicated. Inexpedient to Legislate. This subject matter is already covered in HB 45, currently before the Senate. Vote 13-0. Rep. Daniel A. Eaton for Judiciary.

SB 87, relative to the criminal threatening of property. Ought to Pass. This bill prohibits threatening of other persons' property. Rep. Thomas U. Gage for Judiciary.

SB 123, relative to holding executive sessions under the right to know law. Ought to Pass with Amendment.

The Committee felt that a body subject to the "right to know law" should state in their motion to go into executive session which exemption under the statute they are claiming. Vote 17-1. Rep. Kendall W. Lane for Judiciary.

#### Amendment

Amend the bill by striking out section 2 and renumbering section 3 to read as section 2.

SB 137-FN, relative to an increase in recording charges. Ought to Pass with Amendment.

The Committee felt this bill was a reasonable simplification of the fees for recording in the Registry of Deeds. Vote 12-0. Rep. Kendall W. Lane for Judiciary.

#### Amendment

Amend RSA 478:17-g, I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

1. For recording each document, \$8 for the first recorded page, plus \$3 for each additional recorded page, except for the complete discharge of a mortgage, filings pursuant to RSA 382-A, or a lien, for which the fee shall be \$8. Said charges shall include all charges for information furnished in compliance with RSA 478:14.

SB 151-FN, relative to the payment of unpaid fines relating to violations, misdemeanors and felonies. Inexpedient to Legislate.

SB 151 would make it twice as difficult to collect unpaid fines due to the fact it would double the fines themselves. It would also have the possibility of increasing county expenses by more people being sent to jail for non-payment of fines. Vote 12-0. Rep. Daniel A. Eaton for Judiciary.

SB 165, relative to the execution of wills. Inexpedient to Legislate. The existing law has proven to be acceptable and is widely used and understood, such that there is no good reason to make a change at this time. Vote 11-5. Rep. Frank J. Sylvia for Judiciary.



SB 167, establishing an advisory commission on rules of evidence. Ought to Pass with Amendment.

The need for establishing this commission is to provide a means to introduce legislation to resolve conflicts between the proposed rules of evidence and the existing statutes and thus it should be a legislative committee which the amendment provides. Vote 14-1. Rep. Frank J. Sylvia for Judiciary.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

establishing an advisory committee on rules of evidence.

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

2 Committee Established. There is hereby established the advisory committee on rules of evidence. The members of the committee shall be:

I. Five members of the house judiciary committee appointed by the speaker of the house.

II. Two members of the senate judiciary committee appointed by the president of the senate.

3 Appointments. The appointments of members enumerated in section 2 of this act shall be made within 60 days of the effective date of this act.

4 Officers. The members of the committee shall choose from their number a chairman and a vice-chairman.

5 Duties. The committee shall study the rules of evidence proposed by the New Hampshire bar association and the current Revised Statutes Annotated which affect rules of evidence in order to identify conflicting provisions. The committee shall study any conflicts between the statutory rules and the proposed rules and make recommendations for proposed legislation. Such recommendations shall be submitted to the speaker of the house and the president of the senate by December 15, 1984.

6 Compensation. The members of the committee shall serve without compensation, but shall receive mileage at the legislative rate when attending to the duties of the committee.

7 Effective Date. This act shall take effect 60 days after its passage.

SB 116, relative to the appeal rights of discharged employees covered by certain collective bargaining agreements. Ought to Pass.

This measure deals with the appeal rights of discharged employees of county institutions who are covered by a collective bargaining contract to have the rights of appeal as granted under RSA 273-A and provisions of the

collective bargaining agreement. Vote 18-0. Rep. Wilfred Burkush for Labor, Human Resources and Rehabilitation.

SB 126, relative to the number of signatures for a representative election for public employees. Ought to Pass.

The present law grants a collective bargaining unit, who wishes to call for a representative election, to present signature cards equal to 30 percent of the unit or 100, whichever is less to be presented to the Public Employee Labor Relations Board. This means 100 signatures out of more than 3400 employees can force an election. This measure removes the 100-signature provision. Vote 16-1. Rep. Philip H. Weymouth for Labor, Human Resources and Rehabilitation.

SB 132-FN, relative to eligibility for unemployment compensation benefits. Ought to Pass with Amendment.

This bill takes care of the current loophole in RSA 282-A:31 dealing with between-term denial which allows employees of academic institutions not be granted unemployment compensation during periods of the year which they never intended to work, and are hired under such conditions. The amendment is relative to the effective date, making it upon passage. Vote 16-1. Rep. Calvin Warburton for Labor, Human Resources and Rehabilitation.

#### Amendment

Amend section 4 of the bill by striking out same and inserting in place thereof the following:

4 Effective Date. This act shall take effect upon its passage.

SB 193-FN, providing for suggestion and incentive awards. Ought to Pass with Amendment.

This establishes a much-needed program for suggestion and incentive awards for state employees making beneficial suggestions or performing extraordinary services in the interest of the state. Often such suggestions are cost effective and will bring greater efficiency to state government. The total of the awards granted in any fiscal year shall not exceed \$5,000. The amendment includes safety on original suggestions to improve government operation, and also permits certified bargaining representatives to submit lists of names for consideration as nominees to the Board. Vote 19-0. Rep. John E. Webster for Labor, Human Resources and Rehabilitation.

#### Amendment

Amend RSA 99-E:1 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

99-E:1 Committee. There is hereby established an evaluation committee to review employee suggestions and

extraordinary services and to make awards. The committee shall consist of the director of personnel, who shall serve as chairman; the comptroller or his designee; 2 members, appointed by the governor from certified bargaining representatives selected from lists to be provided by the bargaining organization who shall have 2 year terms; and one member selected by the other members, who shall have a 2 year term.

Amend RSA 99-E:2, 1 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

1. Original suggestions to improve government operation, safety or efficiency; and

Referred to Appropriations.

SB 199, authorizing the city of Manchester to phase in the optional fiscal year in 3 years, to establish a central business district revitalization reserve fund and to establish a parking facilities reserve fund. Ought to Pass.

This bill authorizes the City of Manchester to phase in an optional fiscal year over a 3-1/2 year period. The adoption of the fiscal year could take effect only upon a two-thirds vote of the Mayor and Aldermen. This bill gives authority to establish a reserve fund for parking and revitalization of downtown. Vote 13-0. Rep. Lawrence Cronin for Municipal and County Government.

SB 206, relative to town paupers and county paupers. Inexpedient to Legislate. The goals of the bill are laudable; however, if this bill were enacted into law it would do more damage than good. Vote 13-0. Rep. Paul A. Golden for Municipal and County Government.

SB 102-FN, making an appropriation for New Hampshire's share of the cost for the perambulation of the Maine-New Hampshire boundary. Ought to Pass.

This is required by law and part of the funding of this action is presently in place. Vote 17-0. Rep. Charles M. Nute for Public Works.

Referred to Appropriations.

SB 148-FN, relative to a one way toll system on the New Hampshire turnpikes. Inexpedient to Legislate.

This proposal would be very expensive to administer. It would result in a decrease of approximately \$500,000 per year on the central New Hampshire Turnpike alone. Vote 17-0. Rep. James C. Chamberlin for Public Works.

SCR 5, urging the department of public works and highways to place a high priority on a bypass around the town of Dublin. Ought to Pass.

Although this resolution is perhaps unnecessary it will place more emphasis on the need for improvement on Route 101. Vote 16-0. Rep. James C. Chamberlin for Public Works.

SB 172, relative to the manner of election for secretary of state and state treasurer. Ought to Pass.

This bill clears up the election process for the Secretary of State and State Treasurer. Vote 9-0. Rep. Natalie S. Flanagan for Statutory Revision.

SB 104, relative to the definition of a moped. Ought to Pass.

This bill eliminates in RSA 259:57, under the definition of moped, the requirement of foot pedals to permit muscular propulsion. It continues the restrictions of a maximum speed of 30 miles per hour and the piston displacement shall not exceed 50 cubic centimeters in an internal combustion engine. Vote 13-0. Rep. George A. Soucy for Transportation.

SB 122, permitting the operation of retail fuel oil delivery trucks by persons 18 years of age or older. Ought to Pass.

This bill allows persons 18 years of age or older to operate trucks for the purpose of delivering home heating oil within the state. Passage of this bill will remove an unwarranted hardship currently imposed upon local suppliers. Vote 12-0. Rep. Elmer H. York for Transportation.

#### COMMITTEE REPORTS (Regular Calendar)

HB 833-FN, designating the department of personnel as the agency responsible for overseeing a state equal employment opportunity plan and making an appropriation therefor. Ought to Pass with Amendment.

The amendment keeps the Equal Opportunity Office in Administration and Control until June 30, 1985. Then it will be moved to the Personnel Department. The amendment was recommended by the Committee on Executive Departments and Administration. Vote 13-5. Rep. Margaret A. Ramsay for Appropriations.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

designating the agencies responsible for overseeing a state equal employment opportunity plan.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Subdivision. Amend RSA 8 by inserting after section 6 the following new subdivision:

#### Equal Employment Opportunity Plan

8:6-a State Agency for Plan.

1. The department of administration and control is designated as the state agency responsible for overseeing

the development and implementation of an equal employment opportunity plan for all departments and agencies of the state, until June 30, 1985, after which time the director of personnel shall assume said responsibilities. The department shall promote a fully integrated work force representative of all qualified people available for employment regardless of age, sex, race, color, marital status, physical or mental handicap.

II. The comptroller, and subsequently the director of personnel, shall develop and implement a plan that will insure the employment of all qualified people regardless of age, sex, race, color, marital status, or physical or mental handicap. The comptroller, or his designee, and subsequently the director of personnel, shall be assisted by an advisory committee and equal employment opportunity officers.

8:6-b Equal Employment Opportunity Plan. The governor and the head of each state department, agency, board, commission, or other instrumentality shall, within 120 days after the effective date of this subdivision, and annually thereafter, submit to the comptroller, or his designee, and subsequently the director of personnel, a plan for assuring equal employment opportunity for all state employees regardless of age, sex, race, color, marital status, or physical or mental handicap. The plan shall contain a detailed current status report including:

I. A workforce analysis to determine the current representation of employees in all job categories by age, sex, race, color, marital status, and physical or mental handicap;

II. A determination of whether underrepresentation exists within each department or agency workforce; and

III. Systematic goals and methods for correcting any substantial disparities.

8:6-c Duties. The comptroller, and subsequently the director of personnel, shall:

I. Issue a detailed and uniform method by which departments, agencies, boards or commissions or other instrumentalities of the executive branch shall develop and implement equal employment opportunity goals.

II. Establish reporting procedures for measuring progress and evaluating performance in achieving equal employment opportunity goals.

III. Provide technical assistance and training to officials of all departments, agencies, boards, commissions, or other instrumentalities in achieving equal employment opportunity goals.

IV. Develop and implement training programs to assist state employees, regardless of age, sex, race, color, marital status, or physical or mental handicap, to advance according to present and projected department needs and employee career goals.

V. Develop a method for counseling employees with regard to training requirements needed to attain career goals.

VI. Meet at least annually with the head of each department, agency, board, commission, or other instrumentality and its equal employment opportunity officer (a) to

review equal employment opportunity plans; (b) to receive reports on progress being made in meeting equal employment opportunity goals; and (c) to recommend appropriate changes to the department's equal employment opportunity plan and the procedures and methods employed to implement the plan.

8:6-d Equal Employment Opportunity Officers. The head of each department, agency, board, commission, or other instrumentality of the executive branch employing 6 or more persons shall appoint, subject to the approval of the comptroller, and subsequently the director of personnel, one individual from among existing staff as the equal employment opportunity officer for the department, agency, board, commission, or other instrumentality, to report to and support the comptroller in performing his duties under this subdivision. Each department, agency, board, commission, or other instrumentality with more than 1,000 employees shall have a full-time equal employment opportunity officer.

8:6-e Duties of Officers. An equal employment opportunity officer shall:

I. Assist the department head in establishing equal employment opportunity goals for the department according to a uniform method developed by the comptroller, and subsequently the director of personnel. Such goals shall be subject to the approval of the comptroller, and subsequently the director of personnel.

II. Report annually to the comptroller, and subsequently the director of personnel, according to established procedures, progress made toward meeting equal employment opportunity goals.

III. Assist the comptroller, and subsequently the director of personnel, in the development and implementation of training programs to help state employees advance according to present and projected department needs, without regard to age, sex, race, color, marital status, or physical or mental handicap.

8:6-f Advisory Committee; Membership. There shall be an advisory committee on equal employment opportunity to advise the comptroller, and subsequently the director of personnel, consisting of 7 members, 4 to be appointed by the governor with consent of the council, who shall be proficient in the field of personnel management or affirmative action as a result of training or experience and who shall serve 3 year terms; provided that initial appointments shall be made for one, 2 and 3 years so terms will be staggered. The members shall serve until their successors are appointed and qualified. Two members shall be members of the house of representatives appointed by the speaker, and one shall be a member of the senate appointed by the senate president. The legislative members shall serve for the term of their office. Not more than 2 of the legislative members shall be members of the same political party. The members of the committee shall choose from among themselves a chairperson who shall serve for the period of his term.

8:6-g Meetings. Meetings of the advisory committee shall be held on the fourth Tuesday of every month, on call of

the chairperson, on call of any 4 members, or on call of the comptroller, and subsequently the director of personnel. Four members of the committee shall constitute a quorum.

8:6-h Advisory Committee Duties. The advisory committee shall:

I. Obtain from the comptroller, and subsequently the director of personnel, such reports as it may consider necessary.

II. Report annually to the governor and council and to the general court before each regularly scheduled session on progress toward achievement of equal employment opportunity goals.

III. Advise the comptroller, and subsequently the director of personnel, on implementation and development of the state equal employment opportunity plan.

IV. Accept and expend any appropriations, grants, or gifts of money, professional services, consultant services, clerical and other services and supplies from any source, public or private, in the course of its duties.

2 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Rep. Margaret Ramsay offered an amendment.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

designating the agencies responsible for overseeing a state equal employment opportunity plan.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Subdivision. Amend RSA 8 by inserting after section 6 the following new subdivision:

#### Equal Employment Opportunity Plan

##### 8:6-a State Agency for Plan.

I. The department of administration and control is designated as the state agency responsible for overseeing the development and implementation of an equal employment opportunity plan for all departments and agencies of the state. The department shall promote a fully integrated work force representative of all qualified people available for employment regardless of age, sex, race, color, marital status, physical or mental handicap.

II. The comptroller shall develop and implement a plan that will insure the employment of all qualified people regardless of age, sex, race, color, marital status, or physical or mental handicap. The comptroller, or his designee, shall be assisted by an advisory committee and equal employment opportunity officers.

8:6-b Equal Employment Opportunity Plan. The governor and the head of each state department, agency, board, commission,

or other instrumentality shall, within 120 days after the effective date of this subdivision, and annually thereafter, submit to the comptroller, or his designee, a plan for assuring equal employment opportunity for all state employees regardless of age, sex, race, color, marital status, or physical or mental handicap. The plan shall contain a detailed current status report including:

I. A workforce analysis to determine the current representation of employees in all job categories by age, sex, race, color, marital status, and physical or mental handicap;

II. A determination of whether underrepresentation exists within each department or agency workforce; and

III. Systematic goals and methods for correcting any substantial disparities.

##### 8:6-c Duties. The comptroller shall:

I. Issue a detailed and uniform method by which departments, agencies, boards or commissions or other instrumentalities of the executive branch shall develop and implement equal employment opportunity goals.

II. Establish reporting procedures for measuring progress and evaluating performance in achieving equal employment opportunity goals.

III. Provide technical assistance and training to officials of all departments, agencies, boards, commissions, or other instrumentalities in achieving equal employment opportunity goals.

IV. Develop and implement training programs to assist state employees, regardless of age, sex, race, color, marital status, or physical or mental handicap, to advance according to present and projected department needs and employee career goals.

V. Develop a method for counseling employees with regard to training requirements needed to attain career goals.

VI. Meet at least annually with the head of each department, agency, board, commission, or other instrumentality and its equal employment opportunity officer (a) to review equal employment opportunity plans; (b) to receive reports on progress being made in meeting equal employment opportunity goals; and (c) to recommend appropriate changes to the department's equal employment opportunity plan and the procedures and methods employed to implement the plan.

8:6-d Equal Employment Opportunity Officers. The head of each department, agency, board, commission, or other instrumentality of the executive branch employing 6 or more persons shall appoint, subject to the approval of the comptroller, one individual from among existing staff as the equal employment opportunity officer for the department, agency, board, commission, or other instrumentality, to report to and support the comptroller in performing his duties under this subdivision. Each department, agency, board, commission, or other instrumentality with more than 1,000 employees shall have a full-time equal employment opportunity officer.

8:6-e Duties of Officers. An equal employment opportunity officer shall:



I. Assist the department head in establishing equal employment opportunity goals for the department according to a uniform method developed by the comptroller. Such goals shall be subject to the approval of the comptroller.

II. Report annually to the comptroller, according to established procedures, progress made toward meeting equal employment opportunity goals.

III. Assist the comptroller in the development and implementation of training programs to help state employees advance according to present and projected department needs, without regard to age, sex, race, color, marital status, or physical or mental handicap.

8:6-f Advisory Committee; Membership. There shall be an advisory committee on equal employment opportunity to advise the comptroller consisting of 7 members, 4 to be appointed by the governor with consent of the council, who shall be proficient in the field of personnel management or affirmative action as a result of training or experience and who shall serve 3 year terms; provided that initial appointments shall be made for one, 2 and 3 years so terms will be staggered. The members shall serve until their successors are appointed and qualified. Two members shall be members of the house of representatives appointed by the speaker, and one shall be a member of the senate appointed by the senate president. The legislative members shall serve for the term of their office. Not more than 2 of the legislative members shall be members of the same political party. The members of the committee shall choose from among themselves a chairperson who shall serve for the period of his term.

8:6-g Meetings. Meetings of the advisory committee shall be held on the fourth Tuesday of every month, on call of the chairperson, on call of any 4 members, or on call of the comptroller. Four members of the committee shall constitute a quorum.

8:6-h Advisory Committee Duties. The advisory committee shall:

I. Obtain from the comptroller such reports as it may consider necessary.

II. Report annually to the governor and council and to the general court before each regularly scheduled session on progress toward achievement of equal employment opportunity goals.

III. Advise the comptroller on implementation and development of the state equal employment opportunity plan.

IV. Accept and expend any appropriations, grants, or gifts of money, professional services, consultant services, clerical and other services and supplies from any source, public or private, in the course of its duties.

2 Transfers. All the functions, powers, duties, records, property and funds of the department of administration and control and the comptroller, relative to overseeing the development and implementation of an equal employment opportunity plan for all departments and agencies of the state as provided by RSA 8:6-a - 8:6-h are hereby transferred to the department of personnel and to the director of personnel, respectively. Whenever

reference is made to the department of administration and control or to the comptroller in relation to overseeing the development and implementation of an equal employment opportunity plan for all departments and agencies of the state as provided by RSA 8:6-a - 8:6-h, it shall be construed to mean the department of personnel or the director of personnel as the context requires.

3 Authority to Conform Laws. The director of legislative services is hereby authorized, with the approval of the speaker of the house and the president of the senate, to make changes in the printed version of all laws and rules, and all legislation enacted by the 1985 session of the general court that may be necessary for the purpose of conforming the language of such laws, rules or legislation to the language of this act, provided that no substantive changes may thereby be made. Such authority shall expire upon the printing of the 1985 session laws.

4 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

II. Sections 2 and 3 of this act shall take effect July 1, 1985.

Rep. Margaret Ramsay explained the amendment.

Rep. Joos spoke in favor of the amendment.

Amendment adopted.

Ordered to third reading.

SB 70, relative to interstate banking.

Majority: Ought to Pass with Amendment.

Minority: Refer for Interim Study.

MAJORITY: SB 70, as amended, will allow interstate banking in December, 1984. Upon application, and after satisfying a rigorous review process to insure financial soundness, a New Hampshire bank may acquire or be acquired by an out-of-state bank located in a state with reciprocal legislation. Response to the growing capital needs of the New Hampshire business community and better services to customers through increased competition will result. One amendment will allow a phased-in protection to unit banks in smaller communities through 1987. A second amendment clarifies business practices by banks in the area of insurance. Vote 15-5. Rep. Elizabeth L. Crory for the Majority of Commerce, Housing and Consumer Affairs. MINORITY: The Minority of the Committee felt the ramifications of SB 70 are so extensive and affects every consumer, small as well as large businesses that we could learn from observation what has happened in other states. As of now, interstate banking is allowed only in 6 states, and the Minority feels there is no hurry to adopt legislation in New Hampshire. Our financial institutions should be controlled in New Hampshire rather than the money centers of the United States. This bill is fundamentally the same as HB 337 and should be put in interim study. (Reps.



Tom Longworth, A. Leslie Burns, Peter F. Wells, Barbara B. Pressly, Edward J. Allgeyer for the Minority of Commerce, Housing and Consumer Affairs.

Rep. A. Leslie Burns moved that the report of the Minority, Refer for Interim Study, be substituted for the report of the Majority, Ought to Pass with Amendment, spoke to her motion and yielded to questions.

Reps. Matthew Locke, Chase, Head, Longworth, Allgeyer, Pressly, Drake, Daniell, Bangs, Sylvia, Jacobson, Lefebvre and Bass spoke in favor of the motion.

Reps. Spirou, Rounds, Scamman, Tamposi and Crory spoke against the motion.

Rep. Quimby spoke against the motion and yielded to questions.

Rep. Townsend moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)  
YEAS 209 NAYS 161  
YEAS 209

BELKNAP: Bastraw, Birch, Bolduc, Dexter, Gary Dionne, Golden, Lamprey, Matthew Locke, Nighswander, Randall, Sanders and Zeckhausen.

CARROLL: Ashnault, Chase, Dickinson, Heath, Robert Holmes, Hraba, Kenneth MacDonald, Powers and Saunders.

CHESHIRE: Boulter, Eugene Clark, Crane, Gordon, Grodin, Kennedy, Miller and Morse.

COOS: Chappell, Coulombe and David King.

CRAFTON: Blair, Downing, Driscoll, Duggan, Easton, Hutchings, Wayne King, McAvoy, Stevens, Stewart, Taffe, Ward and Whitcomb.

HILLSBOROUGH: Arris, Bass, Bolan, Boutwell, John Burns, Leslie Burns, Carragher, Charbonneau, Craig, Donovan, Duprey, Durant, Clyde Eaton, Joseph Eaton, Fields, Ford, Fried, Cagnon, Grip, Harrington, George Hawkins, Head, Walter Healy, Hendrick, Humphrey, Jean, Kashulines, Keefe, Robert Kelley, Evelyn King, Labombarde, John Lawrence, Lefebvre, David Lemire, Levesque, Martineau, McGlynn, Nelson, Nute, Paradis, Parmenter, Pressly, Ellen-Ann Robinson, Roy, Russell, Silva, B. P. Smith, Leonard Smith, James Sullivan, Sylvia, Wagner, Ware, Geraldine Watson, Wells, Emma Wheeler, Kenneth Wheeler and Eleanor Whittemore.

MERRIMACK: Allgeyer, Anderson, Bardsley, Bibbo, Laurent Boucher, Bowes, Cate, Chynoweth, Daniell, Dean, Jacobson, Kidder, Kinhan, LaBranche, Arthur Locke, Maltais, McDonnell, Mercier, Nichols, Doris Riley, Louise Roberts, Walter Robinson, Rogers, Savaria, Shepard, Gerald R. Smith, Stark and Trombly.

ROCKINGHAM: Bangs, Benton, Blaisdell, Blake, Blanchard, William Boucher, Burdick, Butler, Connors, Cotton, Cressy, Day, Drake, Ellyson, Flanagan, Harry Flanders, John Flanders, Thomas Gage, Hollingworth, John Hynes, Joslyn, Katsakiores, Keenan, Glenden

Kelley, Roger King, LoFranco, Longworth, Lovejoy, Malcolm, Robert Mason, William Moore, Nagel, Newell, Newman, Pevear, Rosencrantz, Schwaner, Sherburne, Simon, Skinner, Sloan, Splaine, Tavitian, Tufts, Vartanian, Walker, Warburton, Webster, Raymond Wood and Woodward.

STRAFFORD: Bernard, Blouin, Bouchard, Chagnon, Dingle, Albert Dionne, Donnelly, Fielding, Flynn, Hamel, Hennessey, Hussey, Robert Jones, Joos, Kincaid, Lussier, Musler, Gerald L. Smith, Franklin Torr and Ralph Torr.

SULLIVAN: Brodeur, Flint, Gray, Ingram, Irwin, Paul Johnson, Susan Lawrence, Palmer and Reney.

NAYS 161

BELKNAP: Bowler, French, Hardy, Holbrook, Pearson and David Whittemore.

CARROLL: Murphy.

CHESHIRE: Barber, Davis, Daniel Eaton, Galloway, Hickey, Lane, Matson, David Meader, Michaelides, Parker, Perry, Margaret Ramsay, Scranton and William Sullivan.

COOS: Brideau, Harold Burns, Chardon, Guay, Horton, George Lemire, Theriault, Valliere and York.

CRAFTON: Chambers, Christy, Copenhaver, Crory, Densmore, Girouard, Harr. h, Michael King, LaMott, Logan, Mann, Rounds, Walter and Weymouth.

HILLSBOROUGH: Abrams, Debora Ahern, Richard Ahern, Ahlgren, Ahrens, Arnold, Baker, Bergeron, Brack, Burkush, Cote, Cronin, Crotty, William Dion, Duffett, Calway, Gelinas, Grasso, Daniel Healy, Thomas Hynes, Michael Jones, Kaklamanos, Katsiaficas, Lamy, Leclerc, Roland Lemire, Lynde, Lyons, Howard Mason, Migneault, Morrisette, Nickerson, O'Rourke, Marjorie Peters, Quinn, Raiche, Peter Ramsey, Reidy, Robie, Soucy, Spirou, Steiner, Stylianos, Mary Sullivan, Talbot, Tamposi, Turgeon, Vachon, Van Loan, John Wallace, Roger Wallace, Harold Watson, Robert Wheeler, James J. White, M. Arnold Wight, Winn, Lucille Wood and Zajdel.

MERRIMACK: Samuel Clark, Degnan, Cross, Mary Holmes, Pannell, Parrish, Phelps, William Roberts, Stio, Lawrence Sullivan, Underwood and James Whittemore.

ROCKINGHAM: Ames, Belanger, Beliveau, Blanchette, Campbell, Carpenito, Case, Danderson, Beverly Gage, Greene, Gregorio, Kane, Kozacka, Krasker, Leslie, Joseph MacDonald, Mace, McLane, Nevins, Palumbo, Pantelakos, Parr, Popov, Quimby, Scamman, Schmidtchen, Sochalski and Sytek.

STRAFFORD: Appleby, Banks, Belhumeur, Chamberlin, Couture, Demers, Grassie, Paul Meader, Pelley, Arnold Peters, Francis Robinson, Sackett, Schreiber and Whiting.

SULLIVAN: Carlson, Converse, Cutting, D'Amante and Townsend, and the motion was adopted.

Referred for Interim Study.

Rep. Resch notified the Clerk that he wished to be recorded in favor of the report of the Majority, Ought to Pass with Amendment.

CACR 5, relating to the state mandating and assigning programs and responsibilities to towns and other political subdivisions. Providing that funding shall accompany any such mandate or assignment. Refer for Interim Study.

The Committee was of the unanimous opinion that CACR 5 has merit, but has ramifications which need further investigation. Legal questions relative to future change in existing mandates require answers lest the state inherit excessive responsibilities under already difficult conditions. Vote 14-0. Rep. Russell C. Chase for Constitutional Revision.

Referred for Interim Study.

CACR 22, relating to the term of office of senators. Providing that senators be elected to 4 year terms. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: The majority of the Committee felt since the House and Senate have essentially the same powers, there is no reason for senators to have a longer term than House members. A four-year term could also be a deterrent to potential candidates with limited time and financial resources. Vote 10-4. Rep. Roland D. Martineau for the Majority of Constitutional Revision.

MINORITY: The House passed a 4-year term for Governor earlier in this session. With the Senate experiencing turnover at an average rate of one-third, and district campaign costs at an alarming rate, the minority felt the 4-year term would create continuity in office and encourage a wider field of candidates. Rep. Joseph F. Duggan for the Minority of Constitutional Revision.

Rep. Duggan moved that the report of the Minority, Ought to Pass, be substituted for the report of the Majority, Inexpedient to Legislate, and spoke to his motion.

Rep. Martineau spoke against the motion. Rep. Bangs spoke in favor of the motion. Rep. Duggan requested a division.

42 members having voted in the affirmative and 269 in the negative, the motion lost lacking the necessary three-fifths of the membership.

Question being on the report of the Majority, Inexpedient to Legislate.

Report adopted.

SB 75-FN, relative to workmen's compensation for part-time members of police department. Inexpedient to Legislate.

It was felt that this measure was similar to HB 533 which was Inexpedient to Legislate. This bill deals with only part-time and special police officers.

It was asking that the average weekly wage of these part-time workers be applied for maximum workmen's compensation benefits. These part-time employees could earn more in compensation than a regular full-time police officer. Vote 9-8. Rep. Jean H. Duffett for Labor, Human Resources and Rehabilitation.

Rep. Skinner moved that SB 75 be recommitted to the Committee on Labor, Human Resources and Rehabilitation and spoke to her motion.

Adopted.

SB 184, prohibiting employers from using or giving truth sensing devices to employees as a condition of employment. Refer for Interim Study.

The majority of the Committee felt this bill needs more study as there are several questions left unanswered. Vote 14-3. Rep. John W. Flanders for Labor, Human Resources and Rehabilitation.

Referred for Interim Study.

SB 207-FN, providing the inclusion of tips and gratuities in the definition of "wages" only to the extent such tips and gratuities are used by the employing unit to satisfy the minimum wage law. Inexpedient to Legislate.

This measure would require tips and gratuities in the definition of wages under Unemployment Compensation Laws. It would provide an 8% cap on tips or gratuities to be up to the rate of minimum wage of \$3.35. It also places a cap on \$7,000 of payroll earnings. It was felt that this measure was unfair to all workers who work for tips. Federal law now mandates them to report their tips. Vote 10-8. Rep. Frank J. Reidy for Labor, Human Resources and Rehabilitation.

Rep. Powers moved that the words, Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate, and spoke to his motion.

Reps. Skinner, Demers and Reidy spoke against the motion.

Motion lost.

Resolution adopted.

SB 12, increasing the minimum age for purchase, sale and consumption of alcoholic beverages to 21 years. Majority: Ought to Pass with Amendment. Minority: Ought to Pass with Amendment.

MAJORITY: The Subcommittee and standing Committee were guided by the report of the Governor's Task Force on Alcoholism that recommended a uniform age of 21 in all New England states; therefore, the amendment does raise the New Hampshire drinking age to 21 when Massachusetts and Maine raise theirs. Vote 16-5.

Rep. Robert P. Mason for the Majority of Regulated Revenues.

MINORITY: Age of Majority is 18; maybe it should be 21. The Minority of the Committee is very much concerned about

border hopping into Vermont to buy beverages and enjoy the dining and dancing in their lounges and hotels and driving back to New Hampshire. The Minority does not want to make young adults disrespect the law, or take the glamour of TV commercials out of sports and weekends. Raising the drinking age is not the solution. The Vermont accident and death rates have decreased, while New Hampshire's, at 20, have increased. Rep. Carmine F. D'Amante for the Minority of Regulated Revenues.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

increasing the minimum age for purchase, sale and consumption of alcoholic beverages to 21 years when Massachusetts and Maine have increased their minimum age to 21 years.

Amend the bill by striking out section 12 and inserting in place thereof the following:

12 Age in Massachusetts and Maine. The provisions of sections 1 through 11 of this act shall not take effect until the minimum age for the purchase, sale and consumption of alcoholic beverages in effect in the states of Massachusetts and Maine is at least 21 years of age.

13 Effective Date. This act shall take effect upon its passage.

Rep. Jacobson moved that the words, Inexpedient to Legislate, be substituted for the report of the Majority, Ought to Pass with Amendment, spoke to his motion and yielded to questions.

Rep. Newman spoke against the motion and yielded to questions.

Rep. D'Amante spoke in favor of the motion and yielded to questions.

Rep. Dickinson moved the previous question. Sufficiently seconded. Adopted.

Rep. Thomas Gage requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 171 NAYS 190

YEAS 171

BELKNAP: Bolduc, Bowler, Gary Dionne, Robert Hawkins, Lamprey, Matthew Locke, Nighswander, Pearson, Randall, Sanders and David Whittemore.

CARROLL: Dickinson, Robert Holmes and Saunders.

CHESHIRE: Barber, Crane, Davis, Daniel Eaton, Galloway, Hickey, Kennedy, David Meader, Michaelides, Miller, Morse, Perry, Margaret Ramsay, Scranton and William Sullivan.

COOS: Brideau, Chappell, Guay, Horton, David King, Langley, George Lemire, Valliere and York.

GRAFTON: Chambers, Christy, Crory, Downing, Driscoll, Duggan, Girouard, Wayne King, LaMott, Logan, McAvoy, Stewart, Taffe and Whitcomb.

HILLSBOROUGH: Abrams, Richard Ahern, Ahlgren, Arris, Baker, Bergeron, Brack, John Burns, Charbonneau, Cote, Cronin, Crotty, William Dion, Donovan, Duprey, Durant, Clyde Eaton, Gagnon, Grasso, George Hawkins, Michael Jones, Katsiaficas, Robert Kelley, Evelyn King, John Lawrence, Leclerc, Lefebvre, David Lemire, Levesque, Lynde, Lyons, Martineau, Migneault, Morrisette, Nickerson, Parmenter, Pressly, Raiche, Peter Ramsey, Reidy, Ellen-Ann Robinson, Roy, B. P. Smith, Spiro, Sylvia, Talbot, Turgeon, Vachon, John Wallace, Roger Wallace, Geraldine Watson, Robert Wheeler, Eleanor Whittemore and Lucille Wood.

MERRIMACK: Anderson, Laurent Boucher, Bowes, Chynoweth, Mary Holmes, Jacobson, Kinhan, Pannell, Parrish, Phelps, Louise Roberts, William Roberts, Walter Robinson, Shepard, Gerald R. Smith, Stark and Trombly.

ROCKINGHAM: Ames, Beliveau, Blaisdell, Blanchette, Carpenito, Case, Danderson, Flanagan, John Flanders, Thomas Gage, Gregorio, Hollingworth, Kozacka, Leslie, Robert Mason, Palumbo, Pantelakos, Popov, Quimby, Scamman, Sloan, Tufts and Woodward.

STRAFFORD: Banks, Blouin, Bouchard, Chamberlin, Couture, Flynn, Grassie, Hamel, Hennessey, Hussey, Robert Jones, Joos, Kincaid, Arnold Peters, Sackett, Schreiber, Gerald L. Smith, Franklin Torr, Ralph Torr and Whiting.

SULLIVAN: Brodeur, Converse, Gray, Paul Johnson and Susan Lawrence.

#### NAYS 190

BELKNAP: Bastraw, Birch, Dexter, French, Golden, Hardy, Holbrook and Zeckhausen.

CARROLL: Ashnault, Chase, Heath, Hraha, Kenneth MacDonald, Murphy and Powers.

CHESHIRE: Boulter, Eugene Clark, Gordon, Grodin, Elmer Johnson, Lane and Parker.

COOS: Harold Burns, Chardon, Coulombe, Oleson and Theriault.

GRAFTON: Blair, Copenhagen, Densmore, Easton, Harnish, Hutchings, Mann, Rounds, Stevens, Walter, Ward and Weymouth.

HILLSBOROUGH: Debora Ahern, Ahrens, Arnold, Bass, Bolan, Boutwell, Burkush, Leslie Burns, Carragher, Craig, Duffett, Joseph Eaton, Fields, Ford, Fried, Galway, Grip, Harrington, Head, Daniel Healy, Walter Healy, Hendrick, Humphrey, Thomas Hynes, Jean, Kaklamanos, Kashulines, Keefe, Labombarde, Roland Lemire, Howard Mason, McGlynn, Nelson, Nute, O'Rourke, Paradis, Marjorie Peters, Quinn, Resch, Robie, Russell, Silva, Leonard Smith, Soucy, Steiner, Stylianos, James Sullivan, Mary Sullivan, Van Loan, Wagner, Ware, Harold

Watson, Wells, Emma Wheeler, Kenneth Wheeler, James J. White, Winn and Zajdel.

MERRIMACK: Bardsley, Bibbo, Cate, Samuel Clark, Daniell, Dean, Degnan, Gross, Kidder, LaBranche, Arthur Locke, Mercier, Nichols, Doris Riley, Rogers, Savaria, Stio, Lawrence Sullivan, Underwood and James Whittemore.

ROCKINGHAM: Bangs, Belanger, Blake, Blanchard, William Boucher, Burdick, Butler, Campbell, Connors, Cotton, Cressy, Day, Drake, Ellyson, Harry Flanders, Beverly Gage, John Hynes, Joslyn, Kane, Katsakiores, Keenan, Glenden Kelley, Roger King, Krasker, LoFranco, Longworth, Lovejoy, Joseph MacDonald, Mace, Malcolm, McLane, William Moore, Nagel, Nevins, Newell, Newman, Parr, Pevear, Rosencrantz, Schmidtchen, Schwaner, Sherburne, Simon, Skinner, Sochalski, Splaine, Sytek, Tavitian, Vartanian, Walker, Warburton, Webster and Raymond Wood.

STRAFFORD: Appleby, Belhumeur, Bernard, Chagnon, Dingle, Albert Dionne, Donnelly, Fielding, Lussier, Paul Meader and Musler.

SULLIVAN: Carlson, Cutting, D'Amante, Flint, Ingram, Irwin, Palmer, Reney and Townsend, and the motion lost.

Question being on the Majority amendment. Reps. Newman and Joseph MacDonald spoke against the amendment.

Reps. Mason, Phelps and Russell spoke in favor of the amendment and yielded to questions.

Reps. Ingram and Elmer Johnson spoke to the amendment.

Reps. Hennessey and Kenneth MacDonald spoke in favor of the amendment.

Rep. Steiner moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

Rep. Hollingworth abstained from voting under Rule 16.

(Speaker presiding)

YEAS 203 NAYS 156

YEAS 203

BELKNAP: Bastraw, Bolduc, Bowler, Gary Dionne, French, Hardy, Robert Hawkins, Lamprey, Matthew Locke, Nighswander, Randall, Sanders, David Whittemore and Zechhausen.

CARROLL: Ashnault, Chase, Dickinson, Robert Holmes, Hraba, Kenneth MacDonald, Powers and Saunders.

CHESHIRE: Barber, Davis, Daniel Eaton, Gordon, Grodin, Hickey, Lane, Matson, Michaelides, Miller, Morse, Parker, Perry, Margaret Ramsay, Scranton and William Sullivan.

COOS: Harold Burns, Chappell, Chardon, Guay, Horton, David King, Langley, George Lemire, Valliere and York.

CRAFTON: Chambers, Christy, Downing, Driscoll, Girouard, Michael King, LaMott, Mann, McAvoy, Rounds, Stevens, Taffe, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Abrams, Richard Ahern, Ahlgren, Arnold, Arris, Baker, Bass, Bolan, Brack, John Burns, Leslie Burns, Carragher, Charbonneau, Cote, Craig, Cronin, Crotty, William Dion, Donovan, Durant, Ford, Fried, Galway, Grasso, Grip, Harrington, Head, Thomas Hynes, Michael Jones, Katsiaticas, Keefe, Robert Kelley, Evelyn King, John Lawrence, Leclerc, Lefebvre, David Lemire, Lynde, Lyons, Martineau, Migneault, Morrisette, Nickerson, Pressly, Quinn, Reidy, Robie, Ellen-Ann Robinson, Roy, Russell, Silva, B. P. Smith, Leonard Smith, Spirou, Steiner, Mary Sullivan, Sylvia, Talbot, Turgeon, Vachon, Geraldine Watson, Eleanor Whittemore, M. Arnold Wight and Lucille Wood.

MERRIMACK: Anderson, Bardsley, Bibbo, Laurent Boucher, Bowes, Cate, Chynoweth, Samuel Clark, Daniell, Degnan, Mary Holmes, Jacobson, Kidder, Kinhan, Mercier, Nichols, Phelps, Louise Roberts, Walter Robinson, Gerald R. Smith, Stark and Trombly.

ROCKINGHAM: Ames, Blaisdell, Blanchette, Carpenito, Case, Cotton, Cressy, Danderson, Beverly Gage, Thomas Gage, Gregorio, Katsakiores, Glenden Kelley, Roger King, Kozacka, Leslie, Lovejoy, Mace, Robert Mason, McLane, William Moore, Newell, Palumbo, Pantelakos, Pevear, Popov, Quimby, Skinner, Sochalski, Sytek, Tufts, Vartanian, Webster and Woodward.

STRAFFORD: Belhumeur, Blouin, Bouchard, Chamberlin, Couture, Albert Dionne, Fielding, Flynn, Grassie, Hennessey, Robert Jones, Kincaid, Schreiber and Ralph Torr.

SULLIVAN: Converse, D'Amante, Gray, Irwin, Paul Johnson and Townsend.

NAYS 156

BELKNAP: Birch, Dexter, Golden, Holbrook and Pearson.

CARROLL: Heath and Murphy.

CHESHIRE: Boulter, Eugene Clark, Crane, Calloway, Elmer Johnson, Kennedy and David Meader.

COOS: Coulombe, Oleson and Theriault.

GRAFTON: Blair, Copenhaver, Densmore, Duggan, Easton, Harnish, Hutchings, Wayne King, Logan, Stewart and Walter.

HILLSBOROUGH: Debora Ahern, Ahrens, Bergeron, Boutwell, Burkush, Duffett, Duprey, Clyde Eaton, Joseph Eaton, Fields, Gagnon, George Hawkins, Daniel Healy, Walter Healy, Hendrick, Humphrey, Jean, Kaklamanos, Kashulines, Labombarde, Roland Lemire, Levesque, Howard Mason, McGlynn, Nelson, Nute, O'Rourke, Paradis, Parmenter, Marjorie Peters, Raiche, Resch, Soucy, Stylianos, James Sullivan, Van Loan, Wagner, John Wallace, Roger Wallace, Ware, Harold Watson, Wells, Emma Wheeler, Kenneth Wheeler, Robert Wheeler, James J. White, Winn and Zajdel.

MERRIMACK: Dean, Gross, LaBranche, Arthur Locke, Pannell, Parrish, Doris Riley,



William Roberts, Rogers, Savaria, Shepard, Stio, Lawrence Sullivan, Underwood and James Whittemore.

ROCKINGHAM: Bangs, Belanger, Beliveau, Blake, Blanchard, William Boucher, Burdick, Butler, Campbell, Connors, Day, Drake, Ellyson, Flanagan, Harry Flanders, John Flanders, John Hynes, Joslyn, Kane, Keenan, Krasker, LoFranco, Longworth, Joseph MacDonald, Malcolm, Nagel, Nevins, Newman, Parr, Rosencrantz, Scamman, Schmidtchen, Schwaner, Sherburne, Simon, Sloan, Splaine, Tavitian, Walker, Warburton and Raymond Wood.

STRAFFORD: Appleby, Banks, Bernard, Chagnon, Dingle, Donnelly, Hamel, Hussey, Joos, Lussier, Paul Meader, Musler, Arnold Peters, Sackett, Franklin Torr and Whiting.

SULLIVAN: Brodeur, Carlson, Cutting, Flint, Ingram, Susan Lawrence, Palmer and Reney, and the amendment was adopted.  
Ordered to third reading.

SB 91-FN, providing cost of living increases to teachers retired prior to 1957. Ought to Pass with Amendment.  
The Committee supports the increase to the benefits of the teachers who retired prior to 1957. The amendment increases serviceable credit from 30 years to 36 years. Vote 17-2. Rep. Margaret A. Ramsay for Appropriations.

#### Amendment

Amend the bill by striking out all after section 2 and inserting in place thereof the following:

3 New Paragraph. Amend RSA 192:30 by inserting after paragraph II the following new paragraph:

11-a. In the event that the beneficiary has creditable service at retirement which exceeds 30 years, the allowances provided under paragraph II shall be based upon the greater of:

(a) The proportion which the Consumer Price Index, issued by the United States Department of Labor, Bureau of Labor Statistics for the month of November, 1982, bears to the corresponding index for the year in which the member retired; or

(b) \$160 for each year of creditable service at retirement in excess of 30 years but not to exceed 36 years for service beneficiaries, and \$144 for each year of creditable service at retirement in excess of 30 years but not to exceed 36 years for disability beneficiaries.

4 Appropriation. There is hereby appropriated for the purposes of this act for the fiscal year ending June 30, 1984, \$9,292 from the general fund and \$17,257 from political subdivisions and a like amount from each source for the fiscal year ending June 30, 1985. The governor is authorized to draw his warrant for said sums out of the appropriate funds.

5 Effective Date. This act shall take effect July 1, 1983.

Rep. Margaret Ramsay yielded to questions.

Amendment adopted.  
Ordered to third reading.

SB 130-FN, relative to retirement benefits for Francis A. Talbot and making an appropriation therefor. Inexpedient to Legislate.

This bill would set a precedent of retirement benefits for part-time employees. At the present time part-time employees are not eligible for retirement benefits. Vote 15-0. Rep. Margaret A. Ramsay for Appropriations.

Resolution adopted.

SB 55, relative to shooting human beings while on a hunting trip or shooting in the woodlands. Ought to Pass with Amendment.

The change by passing this bill will be to substitute a word to clarify the degree of culpability required and to make the penalty the same in both sections. Vote 15-1. Rep. Frank J. Sylvia for Judiciary.

Rep. Sytek moved that SB 55 be recommitted to the Committee on Judiciary and spoke to her motion.  
Adopted.

SB 57, relative to the authority of selectmen over certain police budgets. Ought to Pass.

This bill makes clear the statutes regarding the authority of selectmen over police departments. It specifies that, in the absence of an authorized police commission, the selectmen shall have such powers as police commissioners. Vote 13-0. Rep. John P. Lawrence for Municipal and County Government.

Rep. Mann moved that SB 57 be recommitted to the Committee on Municipal and County Government and spoke to his motion.  
Adopted.

#### SENATE MESSAGES ACCEDES REQUEST FOR COMMITTEE OF CONFERENCE

HJR 4, memorializing the Vietnam veterans.

The President appointed Sens. Johnson, Wiggins and Lamontagne.

#### CONCURRENCE

HB 437-FN, establishing a 90 day limit for filing claims for liens against funds held by the state on highway contracts.

HB 438-FN, relative to the use of the annual population estimates of the office of state planning in establishment of the compact sections in the cities and towns with a population of 7,500 or more.

HB 568, establishing an advisory committee on long-term care.

HB 608, providing for financial disclosure by applicants for and recipients of public assistance.



HCR 9, expressing the intent of the general court with respect to operation of the division of welfare.

HB 550-FN, relative to apportionment, assessment and abatement of taxes.

HB 591, clarifying the status of tax warrants in semi-annual billing and relative to tax records.

HB 593, to allow taxes to be assessed to the current owner of property if it has changed hands after April 1.

HB 425-FN, authorizing advanced registered nurse practitioners to prescribe medications in certain circumstances.

HB 841, requiring providers of medical services to furnish itemized statements to both recipients of such services and any third party payers.

CACR 9, relating to succession to the office of governor and the taking of the oath of office by the governor. Providing that the legislature provide for the election of a new governor to fill the unexpired term of a governor who dies, resigns or is declared unable to continue in office, and that no person who temporarily succeeds to the office of governor shall forfeit his elective office, that a justice of a New Hampshire court shall administer the oath of office to a newly-elected governor.

CACR 2, relating to the term of the governor. Providing that the term shall be four years.

#### CONCURRENCE WITH HOUSE AMENDMENT

SB 40, relative to selling venison imported into the state.

SB 41, relative to certain positions in the department of revenue administration and authorizing the exchange of information with other states.

SB 61, legalizing certain school district meetings and school district elections.

#### NONCONCURRENCE

HB 596-FN, relative to protection of towns, cities and counties from retroactive billings.

HB 714-FN, relative to provision of legal liability information by parents of certain minors.

#### REQUESTS COMMITTEE OF CONFERENCE

SB 44, enlarging the list of authorized investment rating services.

The President appointed Sens. Bartlett, Poulsen and Boyer.

SB 219, relative to voter registration. The President appointed Sens. Allen, Carswell and Stephen.

#### ENROLLED BILLS AMENDMENTS

HB 643-FN, relative to fees, definitions and enforcement procedures relative to hazardous waste.

#### Amendment

Amend section 6 of the bill by striking out line 1 and inserting in place thereof the following:

6 New Paragraph. Amend RSA 147-A:4

This amendment makes a technical correction in the amending language of section 6 of the bill.

Adopted.

HB 296, providing low cost loans for postsecondary education.

#### Amendment

Amend section 6 of the bill by striking out lines 1 and 2 and inserting in place thereof the following:

6 Issuance of Bonds; Findings. Amend RSA 195-E:10, III(a) (supp) as inserted by 1981, 229:1 by striking out said subparagraph and inserting in place thereof the following:

Amend section 8 of the bill by striking out line 3 and inserting in place thereof the following:

195-E:11 Rights of the Authority, Foundation, Qualified Educational

The first amendment inserts a section heading which was omitted.

The second amendment corrects a typographical error.

Adopted.

#### SENATE MESSAGE

#### REQUESTS CONCURRENCE WITH AMENDMENT

HB 594, requiring tax collectors to mail tax notices to delinquents 30 or fewer days prior to posting the tax sale and to mail notice of deeding at least 30 days prior to executing a tax collector's deed. (amendment printed SJ 5/17)

Rep. Mann moved that the House concur. Adopted.

HB 85, recommending to hunters that they wear hunter orange. (amendment printed SJ 5/17)

Rep. French moved that the House concur. Adopted.

Rep. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourn today it be to meet Tuesday, May 24 at 1:00 p.m.

Adopted.

#### LATE SESSION

Third reading and final passage

SB 24-FN, relative to the off highway recreational vehicle laws.

SB 91-FN, providing cost of living increases to teachers retired prior to 1957.

SB 155-FN, relative to a lump sum payment to Ronald C. Broderick.

SB 37-FN, requiring fire warning devices in all multi-unit dwellings.

SB 95-FN, relative to the examination of insurance companies, insurance company license fees and relicensing of insurance companies.

SB 101, relative to the flash point of kerosene or similar illuminating or fuel oils.

SB 99, amending the charters of the university system of New Hampshire and Mary Hitchcock hospital.

SB 6, to amend the child pornography law.

SB 87, relative to the criminal threatening of property.

SB 123, relative to holding executive sessions under the right to know law.

SB 137-FN, relative to an increase in recording charges.

SB 167, establishing an advisory commission on rules of evidence.

SB 116, relative to the appeal rights of discharged employees covered by certain collective bargaining agreements.

SB 126, relative to the number of signatures for a representative election for public employees.

SB 132-FN, relative to eligibility for unemployment compensation benefits.

SB 199, authorizing the city of Manchester to phase in the optional fiscal year in 3 years, to establish a central business district revitalization reserve fund and to establish a parking facilities reserve fund.

SCR 5, urging the department of public works and highways to place a high priority on a bypass around the town of Dublin.

SB 172, relative to the manner of election for secretary of state and state treasurer.

SB 104, relative to the definition of a moped.

SB 122, permitting the operation of retail fuel oil delivery trucks by persons 18 years of age or older.

HB 833, designating the agencies responsible for overseeing a state equal employment opportunity plan.

SB 12, increasing the minimum age for purchase, sale and consumption of alcoholic beverages to 21 years.

#### RECONSIDERATION

Rep. Bass moved that the House reconsider its action whereby it sent to Interim Study, SB 70, relative to interstate banking.

Reconsideration lost.

#### INTRODUCTION OF GUEST

Doris Grandmaison, guest of the House.

#### SENATE MESSAGE

#### REQUESTS CONCURRENCE WITH AMENDMENT

HB 436-FN, establishing a highway block grant aid program. (amendment printed SJ 5/17)

Rep. Bibbo moved that the House concur. Adopted.

Rep. Rounds moved that the House stand in recess for the purpose of Enrolling reports only.

Adopted.

The House recessed at 5:55 p.m.

#### RECESS

#### NOTICE OF RECONSIDERATION

Rep. D'Amante served notice that today or some subsequent day, as limited by the rules, he would ask the House to reconsider its action whereby it passed SB 12, increasing the minimum age for purchase, sale and consumption of alcoholic beverages to 21 years.

(Speaker Pro Tem in the Chair)

#### ENROLLED BILLS REPORT

HB 296, providing low cost loans for postsecondary education.

HB 384, to establish a task force to design a cooperative system of placements for children.

HB 392, relative to dams owned by the department of fish and game.

HB 508, to exempt seasonal tourist attractions from certain public utility commission requirements.

HB 627, relative to registering civil aircraft.

SB 31, permitting the broadcast of public notices on radio and television.

SB 69, relative to retention of certain investments by town trustees.

SJR 1, to declare 1983 "The Year of the Forest."

HB 90, relative to improvements to the central New Hampshire turnpike and making an appropriation therefor.

HB 251, relative to the state board of education.

HB 259, moving the town of Madbury from the Dover judicial district to the Durham judicial district for the purposes of district court jurisdiction.

HB 334, reclassifying the Pemigewasset river between the towns of Woodstock and Thornton and the East Branch Pemigewasset river between the towns of Lincoln and Woodstock.

HB 358, relative to degree granting authority.

HB 380, relative to reports required to be filed by certain political committees.

HB 419, relative to the Laconia airport authority.

HB 427, establishing civil penalties for violation of laws affecting dams and flowage.

HB 429, authorizing the repair or reconstruction of certain dams.

HB 464, authorizing adjustments to the boundary line between the Concord Union school district and the Merrimack Valley school district.

HB 562, relative to dental examinations of dead bodies not identifiable by other means.

HB 620, giving the state the right of first refusal on rail properties for sale within the state.

HB 682, requiring certification by the state fire marshal of certain firefighting units.

HB 736, relative to absentee voting for school district elections.

SB 15, relative to a special appropriation for resurfacing and betterments on the state highway system.

SB 74, increasing the small claim limit for the department of public works and highways.

SB 81, authorizing the water supply and pollution control commission to negotiate with the Environmental Protection Agency concerning delegation of national pollutant elimination discharge system responsibilities.

HB 114, relative to sunset review of the New Hampshire higher education and health facilities authority.

HB 131, relative to sunset review of the department of agriculture - meat inspection.

HB 218, relative to high school students as nonvoting members of school boards.

HB 354, relative to increasing the legal length for taking lobster.

HB 357, relative to the acquisition of a dam in disrepair by a town or village district and proceedings before the water resources board.

HB 377, relative to emergency action plans for dams.

HB 413, reclassifying certain highways in the town of Conway.

HB 457, relative to distributing evenly the tax exemption for totally disabled veterans.

SB 10, revising the park boundary line of Hilton State Park.

HB 252, providing for a right to hearing before the commissioner of revenue administration to the annual rate percent of taxation.

HB 328, authorizing towns to establish general reserve funds for any purpose for which a town may raise money.

HB 345, relative to the duty of school boards to provide education.

HB 368, relative to a non-resident minor's license.

HB 450, relative to retention and disposition of official records of a school district.

HB 470, to reclassify certain highways in the towns of Jefferson and Center Harbor from class II to class V highways.

HB 595, extending the period of time the public utilities commission may suspend a rate schedule under certain circumstances.

SB 80, enabling municipalities to establish central business service districts.

SB 90, authorizing the establishment of a reserve fund to meet the expenses of educating educationally handicapped children.

SB 98, authorizing trustees of trust funds of towns and cities to place securities in nominee name in a bank trust department.

(Rep. Parr in the Chair)

Its introduction having been approved by the Rules Committee, Rep. James Chamberlin offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill of Intent numbered 2005, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

INTRODUCTION OF HOUSE BILL OF INTENT  
First, second reading and referral

HBI 2005, relating to low-level radioactive waste matters. (Parr of Rockingham Dist. 17; Chardon of Coos Dist. 6; Townsend of Sullivan Dist. 1; Spirou of Hillsborough Dist. 31; Chambers of Grafton Dist. 12; Krasker of Rockingham Dist. 25 - To State-Federal Relations)

RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn.  
Adopted.

Rep. Francis Donovan  
Sen. John P.H. Chandler  
For the Committee.

RECESS

# HOUSE JOURNAL 25

*Tuesday, 24 May 83*

The House assembled at 1:00 p.m., and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

Dear God, we do not find it hard to make decisions between right and wrong. It is the decision between one right and another right that make us hesitate. What to do with waste for example, be it around our middle, along our roadsides, into our rivers, or in our drinking water. So many easy answers are suggested. So many rights are claimed, so many groups affected. Help us discern what is best for our State. Help us have the courage of our convictions. Help us to vote the right most in accord with Your Will. Amen.

Rep. Mary Sullivan led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Zimmerman, Stimmell, Chisholm, Waldron, Coulombe, Mann and Martineau, the day, illness.

Reps. James Whittemore, M. Arnold Wight, Day, Duffett, Degnan, Ellen-Ann Robinson, George Hawkins, Van Loan, Perkins, Timm, Gerald L. Smith, Keefe, Thomas Hynes, Gelinas, Stylianios, Roland Lemire, Bolan and Belhumeur, the day, important business.

## INTRODUCTION OF GUESTS

Former Representative Charles Armstrong, guest of the Speaker; former Representative Fred Snell, guest of Rep. Weymouth; William Tsiros, guest of Rep. Blouin; Diana, Jennifer and Thomas Stevens, guests of Rep. Stevens; Dr. and Mrs. Robert Wiley, guests of Rep. Rounds; Mrs. Christine Duggan and Mrs. Kathleen Pittsley, guests of Rep. Duggan; Charles Tebbitts, Gene Boardway, Chet Keefe, Will Catlin, Anne True, Maria Van Lieu, Ene Osteraas and Betsy Bergquist, students from the Baker River School, guests of Rep. Wayne King.

The Speaker introduced Reubin Askew, former Governor of the state of Florida. Governor Askew addressed the House briefly.

## SENATE MESSAGES CONCURRENCE

HB 477, relative to the right-to-know law.

HB 257, authorizing municipalities to appropriate money for any legal purpose.

HB 537, relative to property tax assessments.

HB 342-FN, relative to increasing the maximum locally imposed fine for violation of a local by-law.

HB 343, relative to enforcing water purity laws.

HB 815, relative to the flexibility of rules governing small business.

HB 704, relative to public hearings on change of size of board of selectmen.

HB 190-FN, to provide for payment of ambulance service in unincorporated areas.

HB 264, permitting towns to choose to elect highway agents for up to three-year terms.

HB 42, relative to clarifying the need to vote by ballot on certain questions.

HB 697-FN, relative to emergency interim successors under the emergency interim succession act.

HB 371, relative to state party conventions.

HB 557, relative to recount procedures.

HB 220, allowing an exemption from attachable property for jewelry up to \$500 in value.

HB 469-FN, relative to the attendance of the attorney general or his designee at involuntary commitment proceedings.

HB 324, reapportioning the Rockingham county commissioner districts.

HB 412-FN, establishing the position of assistant to the commissioner of the department of resources and economic development.

HB 582, eliminating eminent domain sections of the highway laws that conflict with RSA 498-A and amending RSA 498-A, the eminent domain procedures act.

HB 520, relative to the right to privacy law.

HB 671, increasing the time within which a wrongful death action may be brought by an administrator.

HB 672, relative to actions allowed against insolvent estates.

HB 774, relative to inheritance of children born of unwed parents.

## CONCURRENCE WITH AMENDMENTS

SB 123, relative to holding executive sessions under the right-to-know law.

SB 91, providing cost of living increases to teachers retired prior to 1957.

SB 137, relative to an increase in recording charges.

SB 132, relative to eligibility for unemployment compensation benefits.

## NONCONCURRENCE

HB 785, to eliminate the limitation of recovery in actions for wrongful death.

HB 433-FN, deleting the requirement for district court sessions in Epping.

## NONCONCURS WITH AMENDMENTS REQUEST COMMITTEE OF CONFERENCE

SB 44, enlarging the list of authorized investment rating services.

Rep. Quimby moves that the House accede. Adopted.

The Speaker appointed Reps. Crory, Wells, Allgeyer and B. P. Smith.

SB 219, relative to voting by citizens who live overseas.

Rep. Flanagan moved that the House accede.

Adopted.

The Speaker appointed Reps. Flanagan, Cutting, Stark and Walter Robinson.

#### REQUESTS CONCURRENCE WITH AMENDMENT

HB 504, relative to the final environmental impact statement and the preliminary engineering studies of the corridor for the north quadrant of Nashua-Hudson circumferential highway project. (amendment printed SJ 5/19)

Rep. Bibbo moved that the House concur. Adopted.

HB 236, providing special registration plates for members of the national guard and judiciary, and for the secretary of state and state treasurer. (amendment printed SJ 5/17)

Rep. Tavitian moved that the House concur.

Adopted.

HB 312, requiring a consequence analysis study for the Seabrook nuclear power plant. (amendment printed SJ 5/17)

Rep. Hollingworth moved that the House concur.

Adopted.

HB 367-FN, establishing a legislative dam management review committee. (amendment printed SJ 5/17)

Rep. Paul Meader moved that the House concur.

Adopted.

HB 350, prohibiting political advertising from being displayed on law enforcement and government vehicles. (amendment printed SJ 5/17)

Rep. Flanagan moved that the House concur.

Adopted.

HB 448-FN, relative to the health facilities licensing laws. (amendment printed SJ 5/10)

Rep. Head moved that the House concur. Adopted.

HB 832-FN, establishing a community development finance authority. (amendment printed SJ 5/19)

Rep. Quimby moved that the House concur. Adopted.

#### COMMITTEE OF CONFERENCE REPORT

HB 315, making certain supplemental appropriations and relative to records relating to assigned counsel for indigent defendants. (printed SJ 5/19)

Rep. Sytek moved that the House adopt the Committee of Conference Report. Report adopted.

#### ENROLLED BILLS AMENDMENTS

SB 60, providing a referendum to discontinue the office of the city manager in the city of Berlin.

#### Amendment

Amend paragraph II of section 5 of the bill by striking out line 2 and inserting in place thereof the following:

section 4.

This amendment corrects an error in the effective date provisions.

Adopted.

SB 217, relative to the election laws.

#### Amendment

Amend section one of the bill by striking out line 2 and inserting in place thereof the following:

410:1 by striking out in line 7 the word "qualified" and inserting in place

This amendment corrects an error in the amending language.

Adopted.

#### PETITION

The House received a petition from the Town of Strafford, voted on at the annual Town Meeting on March 8, 1983, relative to Real Estate taxes for the elderly.

#### VACATE

Rep. LaMott moved that the House vacate the reference of HB 646, establishing a department of transportation to the Committee on Appropriations.

Adopted.

The Speaker referred HB 646 to the Committee on Executive Departments and Administration.

#### SUSPENSION OF RULES

Rep. Rounds moved that the rules be so far suspended as to permit consideration of HB 848, relative to county commissioner districts in Hillsborough county and HB 847, creating a regional compact for the disposal of low-level radioactive waste, and making an appropriation therefor, where they appear in the Calendar, the Committees on Statutory Revision and State-Federal Relations having reported after the deadline.

Adopted by the necessary two-thirds.

Rep. Rounds moved that the rules be so far suspended as to permit consideration where it appears in the Calendar of HBI 2005, relating to low-level radioactive waste matters, without public hearing and the Committee on State-Federal Relations reporting after the deadline.

Adopted by the necessary two-thirds.



Rep. Rounds moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted. Adopted.

COMMITTEE REPORTS  
(Consent Calendar)

SB 176-FN, relative to insurance coverage for residential psychiatric treatment. Ought to Pass with Amendment.

This bill provides that health insurance in New Hampshire will cover treatment at a psychiatric residential program approved by the Division of Mental Health and Developmental Services. This will allow patients to be treated at such residential programs as Odyssey House. In addition, the bill provides a new incentive for cost containment in terms of medical costs. Vote 19-0. Rep. William J. Sullivan for Commerce, Housing and Consumer Affairs.

Amendment

Amend RSA 415:18-a, III(b) as inserted by section one of the bill by striking out same and inserting in place thereof the following:

(b) Each insurer, including health maintenance organizations contemplated under RSA 420-B and self-insured benefit plans, funds or programs, that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses shall offer to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of employment is in this state, benefits for services rendered at a community mental health center or psychiatric residential program approved by the division of mental health and developmental services, department of health and welfare. Those benefits shall be subject to terms and conditions at least as favorable as those which apply to the benefits for the treatment of other illnesses; and the ratio of the benefits to the full reasonable charges for the services of such a center or program shall be substantially the same as the ratio of the benefits for services of physicians for other illnesses to the fees reasonably and customarily charged for the services of such physicians for other illnesses.

Amend RSA 419:5-a, VI as inserted by section 5 of the bill by striking out same and inserting in place thereof the following:

VI. In the case of care and services rendered by licensed general hospitals, public or licensed mental hospitals, community mental health centers or psychiatric residential programs which have not entered into a written contract with the hospital service corporation for the rendering of such care and services to its subscribers, benefits of not less than 75 percent of the benefits enumerated in paragraphs I, II, and III shall be provided. Benefits payable may be limited to the lowest rate payable or charged for

substantially the same services, as determined to be appropriate by the referring physician, provided by any other provider in the same general locality.

Amend RSA 420:5-a, II(h) as inserted by section 6 of the bill by striking out same and inserting in place thereof the following:

(b) Benefits for services rendered at a community mental health center or psychiatric residential program approved by the division of mental health and developmental services, department of health and welfare, shall be subject to terms and conditions at least as favorable as those which apply to the benefits for the treatment of other illnesses; and the ratio of the benefits to the full reasonable charges for the services of such a center or program shall be substantially the same as the ratio of the benefits for services of physicians for other illnesses to the fees reasonably and customarily charged for the services of such physicians for other illnesses. Benefits payable may be limited to the lowest rate payable or charged for substantially the same services, as determined to be appropriate by the referring physician, provided by any other provider in the same general locality.

SB 194, relative to dry cleaning establishments. Ought to Pass with Amendment.

This bill clarifies the time dry cleaners may hold and store articles of clothing before disposing of those which are not reclaimed. After 90 days, notice must be given to the owner, before sale by the dry cleaners. Vote 16-0. Rep. Elizabeth L. Crory for Commerce, Housing and Consumer Affairs.

Amendment

Amend RSA 449:2 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

449:2 Sale or Disposal for Service Lien. If such lien remains undischarged for a period of 60 days after work has been completed or after expiration of agreed term of storage, if any, or in the absence of such agreement, after the expiration of 90 days from date of storage, the lienholder may give such article to a duly organized charitable corporation or sell such article at public or private sale after giving 30 days' notice in writing to the owner specifying the amount due, describing the property to be sold and informing him that the payment of such amount prior to the sale shall entitle him to redeem such property. Such notice shall be given by mailing the same to the owner's place of residence if known; or, if the owner's place of residence is unknown, a copy of such notice shall be posted by the holder of such lien in 2 public places in the town or city where the property is held. The proceeds of the sale, after paying the expenses thereof, shall be credited toward the indebtedness secured by such lien; and the balance, if any, shall be paid over to the owner on demand.

SB 150-FN, relative to hawker and peddler licenses. Ought to Pass.

The Committee believes that a renewal process for license fees will further assist the Secretary of State's Office in reviewing the status of licensees on an annual basis. The Committee also would encourage any localities to adopt a regulation process relative to hawkers and peddlers. Vote 20-0. Rep. V. Michael Hutchings for Executive Departments and Administration.

SB 198, relative to the regulation of barbers and cosmetologists. Ought to Pass with Amendment.

The Committee was unanimous in approval of this housekeeping bill to clarify matters concerning the Board. Vote 19-0. Rep. Audrey A. Carragher for Executive Departments and Administration.

#### Amendment

Amend the bill by striking out section 7 and inserting in place thereof the following:

7 Board Members. Amend RSA 313-A:2 by inserting after paragraph IV the following new paragraph:

V. The board shall hold at least 4 regular meetings each year. Special meetings may be called at such times as the rules of the board may provide. A quorum of the board shall consist of no fewer than 5 members. All meetings of the board shall be open to the public, except when the board conducts an executive session under RSA 91-A.

8 New Section; Removal of Members, Vacancies. Amend RSA 313-A by inserting after section 2 the following new section:

313-A:2-a Removal of Members; Vacancies. The governor and council may remove any members of the board for misconduct, incompetence, neglect of duty, or for any other just cause. Vacancies in the membership of the board shall be filled for the unexpired term by appointment by the governor and council as provided in RSA 313-A:2.

9 Effective Date. This act shall take effect 60 days after its passage.

SB 142-FN, relative to the dental practice act. Ought to Pass.

The Committee feels that this bill will only improve the policing of the dental profession. It is in the best interest of the public and maintains the confidentiality of dentists entrusted in protecting the public by the Dental Society. Vote 16-0. Rep. Matthew M. Sochalski for Health and Welfare.

SB 82, relative to the uniform enforcement of foreign judgments. Inexpedient to Legislate.

The Committee felt this bill was unnecessary since the current procedure for the enforcement of foreign judgments is working successfully. Vote 15-2. Rep. Barbara J. Underwood for Judiciary.

SB 143-FN, making several changes in the criminal law and relative to the suspension of a person's driver's license or driving

privilege for failure to appear or pay a fine. Ought to Pass with Amendment.

The bill corrects several technical problems in the criminal statutes. In addition, this bill provides a reasonable method of collecting unpaid fines from those who have been convicted but have defaulted on payment of their fines. Vote 14-0. Rep. Kendall W. Lane for Judiciary.

#### Amendment

Amend the bill by striking out all after section 2 and inserting in place thereof the following:

3 Suspension of License or Driving Privilege for Default or Nonpayment of Fine. Amend RSA 263 by inserting after section 56 the following new section:

263:56-a Suspension for Default or Nonpayment of Fine.

I. Whenever any person:

(a) Defaults on a scheduled court appearance in connection with a charge or conviction of any offense, or

(b) Fails to pay a fine imposed in connection with a conviction of any offense which a court has determined he is able to pay, or

(c) Fails to comply with a similar order of the director on any matter within the director's jurisdiction, the court or director, as applicable, may notify such person by certified mail at his last known address that his driver's license or resident or nonresident driving privilege shall be suspended 30 days after such notification is mailed unless such person appears, pays his fine, or complies with the order, as applicable, or demonstrates that he is financially unable to pay the fine or to comply with the order before the expiration of the 30-day period.

II. If such person fails to appear, pay his fine or comply with the order within the 30-day period, or fails to demonstrate that he is financially unable to pay the fine or to comply with the order within the 30-day period, the director shall suspend such person's driver's license or resident or nonresident driving privilege for an indefinite period and mark his files accordingly. Any court ordering such a suspension shall so notify the director on a form prescribed by the director.

III. Except as provided in paragraph IV, the license or driving privilege of any person whose license or privilege has been suspended pursuant to paragraph II shall be reinstated upon:

(a) Payment to the director of a fee of \$25, which shall be in lieu of any other reinstatement fee and shall be deposited into the highway fund pursuant to RSA 260:23 and RSA 6:12, I(f), and

(b) Appearance by such person, payment of his fine, or compliance with the order of the director, as applicable, or upon demonstration that such person is financially unable to pay the fine or to comply with the order.

Any court which has ordered a suspension pursuant to paragraph II shall vacate the order and so notify the director and the affected person immediately after such

person has appeared or paid his fine, as applicable or has demonstrated that he is financially unable to pay the fine or to comply with the order.

IV. No license or driving privilege suspended under this section shall be reinstated before the expiration of any other period of suspension or revocation in effect.

V. Nothing shall prevent any person affected by this section from obtaining a prompt review or hearing, upon showing just cause, before either the court or director for appropriate relief.

VI. The provisions of this section shall be in addition to other provisions of law relative to sanctions for persons who fail to appear, pay a fine, or comply with an order of the director.

4 Funding: Transition. For the period of time between the effective date of this act and July 1, 1985, the commissioner of safety, with approval of the legislative fiscal committee, is authorized to transfer from the highway surplus account such sums as may be necessary for the employment of additional temporary part time personnel, for data processing charges and for postage and printing expenses to implement section 3 of this act; and said sums are hereby appropriated. The commissioner shall include in his budget request for the succeeding biennium such sums as are necessary in his judgment to continue the duties imposed by section 3 of this act.

#### 5 Effective Date.

I. Sections 1 and 2 of this act shall take effect 60 days after its passage.

II. Sections 3 and 4 of this act shall take effect on July 1, 1983.

#### Referred to Appropriations.

SB 109, relative to the date for submitting petitions to amend zoning ordinances. Inexpedient to Legislate.

The objective of this bill is being incorporated in SB 3. Vote 14-0. Rep. Richard A. Grodin for Municipal and County Government.

HB 848, relative to county commissioner districts in Hillsborough county. Inexpedient to Legislate.

With due consideration to the concept and testimony presented, the Committee determined that this bill is not within the jurisdiction of the Committee on Statutory Revision. The Committee did seek the advice of the Hillsborough County Delegation officers along with reviewing the procedures currently existing in other counties. Vote 8-1. Rep. James J. White for Statutory Revision.

SB 178, relative to apportioning the delegates voted for at the presidential primary to the national party conventions. Ought to Pass with Amendment.

The amendment removes filing fees for delegates and deletes Section 1 of the bill. Vote 9-0. Rep. Natalie S. Flanagan for Statutory Revision.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

eliminating the filing fee for proposed delegates of presidential candidates to the national convention.

Amend the bill by striking out section one and renumbering sections 2-4 to read as 1, 2, and 3, respectively.

SB 200, relative to political activities by classified and unclassified state employees. Ought to Pass with Amendment. This is one step forward in making state law comply with the amendment to the Hatch Act. Vote 9-0. Rep. Natalie S. Flanagan for Statutory Revision.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to political activities by classified state employees.

Amend RSA 664:4-a as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

664:4-a Prohibited Solicitation of Political Contributions. No person shall knowingly coerce or solicit, or attempt to coerce or solicit, any classified state employee to make a contribution to any political campaign or political committee, or to any candidate, party or cause, for the purpose of promoting the success or defeat of any candidate or political party.

SB 204, relative to county commissioner districts in Coos county. Ought to Pass with Amendment.

The amendment includes the Burn's amendment, but requires Commissioners to run at large. Vote 9-0. Rep. Natalie S. Flanagan for Statutory Revision.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to county commissioners and county commissioner districts in Coos county.

Amend RSA 662:4, VII as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

VII. Coos: District 1, Success and the city of Berlin; District 2, Bean's Grant, Bean's Purchase, Carroll, Chandler's Purchase, Crawford's Purchase, Cutt's Grant,

Dalton, Gorham, Green's Grant, Hadley's Purchase, Jefferson, Kilkenny, Lancaster, Low and Burbank's Grant, Martin's Location, Pinkham's Grant, Randolph, Sargent's Purchase, Shelburne, Thompson and Meserve's Purchase, and Whitefield; District 3, Atkinson and Gilmanton Academy Grant, Cambridge, Clarksville, Colebrook, Columbia, Dix's Grant, Dixville, Dummer, Errol, Erving's Location, Milan, Millsfield, Northumberland, Odell, Pittsburg, Second College Grant, Stark, Stewartstown, Stratford, and Wentworth's Location.

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 County Commissioners. Amend RSA 653:1, VI(a) and (b) (supp) as inserted by 1979, 436:1 as amended by striking out said subparagraphs and inserting in place thereof the following:

(a) Grafton, Merrimack, Hillsborough, and Rockingham counties--one county commissioner by those voters in each county commissioner district in each county;

(b) Belknap, Carroll, Coos, and Sullivan counties--one county commissioner from each county commissioner district by all the voters of each county;

4 Effective Date. This act shall take effect 60 days after its passage.

SCR 6, urging the Democratic National Committee and presidential candidates to help New Hampshire preserve its first-in-the-nation presidential primary status. Ought to Pass.

This resolution urges the Democratic National Committee and the presidential candidates to help preserve the first-in-the-nation presidential primary. Vote 9-0. Rep. Natalie S. Flanagan for Statutory Revision.

SB 195, relative to passing school buses. Ought to Pass with Amendment. Testimony from many parts of the state indicates that there is a serious problem with vehicles illegally passing school buses which are loading and unloading students. The proposed amendment offers some help in apprehending violators. Vote 13-0. Rep. Irvin H. Gordon for Transportation.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:  
1 Passing School Buses. Amend RSA 265:54 by inserting after paragraph I the following new paragraph:

I-a. Testimony under oath from the school bus driver or other witness that a vehicle failed to stop and remain stopped as required by paragraph I shall be sufficient evidence to prove that the owner of the vehicle was driving and has violated the provisions of paragraph I, unless such evidence is rebutted or contradicted.

I-b. A person who violates the provisions of paragraph I shall be guilty of a violation. The fine imposed for such violation shall not exceed \$50 for a first offense, or \$100 for a subsequent offense within a 12-month period.

#### PERSONAL PRIVILEGE

Rep. Joseph Eaton addressed the House under personal privilege.

Mr. Speaker, I rise to a point of personal privilege because on May 18th, the Manchester Union Leader called members of my committee "leeches" with "specious arguments." A leech is a worm and specious means dishonest, and the term "dishonest worm" is an opprobrious epithet.

In the General Court, we do not use insulting language. Our debates never include personal attacks; they are based on legitimate issues raised by Democrats and Republicans, Conservatives and Liberals, and even by the Dishonest Worms.

The New Hampshire Press generally observes a high standard of decency. Newspapers in Concord, Keene, Portsmouth, and in fact all over the state take a forthright stand on controversial issues without name-calling animosity.

For the one exception to responsible journalism, the Manchester Union Leader, I quote the words of a poet, "The Wind is Weary -- The Light is Dead -- The Trumpet Lies in the Dust."

Rep. Rounds moved that Rep. Joseph Eaton's remarks be printed in the Journal. Adopted.

#### COMMITTEE REPORTS (cont.) (Regular Calendar)

CACR 23, relating to the imposition of limits on state spending and increases in state spending and the establishment of a reserve fund. Providing that increases in state revenue shall not exceed the state's rate of economic growth and state spending shall not exceed 95 percent of estimated revenues of the current fiscal year, except upon a 2/3 vote of the general court in the event of an emergency, and providing for the establishment of a special fund reserve. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: This proposal is a very complex and comprehensive attempt to limit state spending. Because of its experimental nature the majority of the Committee feels it should be tried as a statute first. Should flaws surface corrective action can be taken quickly whereas if it were in the Constitution, it could take as long as two years to change. Vote 10-4. Rep. Russell C. Chase for the Majority of Constitutional Revision.

MINORITY: Approximately 37 states presently have constitutional provisions in debt restrictions in balanced budget appropriations. This proposed amendment in no way limits how the state can raise its revenue. In case of a true emergency, the Legislature can override these limitations by a 2/3 vote. Rep. Geraldine S. Bangs for the Minority of Constitutional Revision.

Rep. Ahrens moved that the report of the Minority, Ought to Pass, be substituted for



the report of the Majority, Inexpedient to Legislate, and spoke to his motion.

Reps. Joseph Eaton, Demers, Jacobson, Sackett and Chase spoke against the motion.

Rep. Bangs spoke in favor of the motion and yielded to questions.

Reps. Wells, Sytek and Duggan spoke in favor of the motion.

Rep. Russell moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 126 NAYS 214

YEAS 126

BELKNAP: Dexter, Golden, Robert Hawkins, Matthew Locke, Sanders and David Whittemore.

CARROLL: Ashnault, Dickinson, Heath, Murphy and Saunders.

CHESHIRE: Boulter, Eugene Clark, Crane, Grodin, Lane, Parker and Perry.

COOS: David King.

GRAFTON: Blair, Driscoll, Duggan, Harnish, Logan, McAvoy and Weymouth.

HILLSBOROUGH: Richard Ahern, Ahrens, Arnold, Arris, Bass, John Burns, Leslie Burns, Charbonneau, Cronin, Donovan, Duprey, Fields, Grasso, Grip, Daniel Healy, Jean, Kashulines, Robert Kelley, Knight, Labombarde, Leclerc, Howard Mason, Migneault, Morrisette, Nickerson, Nute, Paradis, Pressly, Peter Ramsey, James Sullivan, Mary Sullivan, Tamposi, Turgeon, Ware, Harold Watson, Wells, Emma Wheeler, Kenneth Wheeler and Robert Wheeler.

MERRIMACK: Allgeyer, Cate, Dean, LaBranche, Arthur Locke, McDonnell, Nichols, Parrish, Doris Riley, Louise Roberts, Savaria, Shepard and Stio.

ROCKINGHAM: Bangs, Belanger, Beliveau, Blake, Burdick, Campbell, Drake, Ellyson, John Flanders, Gregorio, Hollingworth, Joslyn, Kane, Katsakiores, Roger King, LoFranco, Longworth, Malcolm, Robert Mason, Nevins, Newell, Palumbo, Rosencrantz, Schwaner, Sherburne, Simon, Sochalski, Stork, Sytek, Tavitian, Vartanian, Vecchione, Warburton and Raymond Wood.

STRAFFORD: Appleby, Albert Dionne, Hamel, Hussey, Robert Jones, Lussier, Musler, Franklin Torr and Whiting.

SULLIVAN: Brodeur, D'Amante, Ingram, Irwin and Palmer.

NAYS 214

BELKNAP: Birch, Bolduc, Bowler, Gary Dionne, French, Hardy, Lamprey, Nighswander, Pearson, Randall and Zeckhausen.

CARROLL: Chase, Robert Holmes, Hraba, Kenneth MacDonald and Powers.

CHESHIRE: Barber, Davis, Daniel Eaton, Eisengrein, Galloway, Gordon, Hickey,

Kennedy, David Meader, Michaelides, Miller, Morse, Margaret Ramsay, William Riley, Scranton and William Sullivan.

COOS: Brideau, Harold Burns, Chappell, Chardon, Guay, Horton, Langley, Oleson, Theriault, Valliere and York.

GRAFTON: Chambers, Christy, Copenhaver, Crory, Densmore, Downing, Easton, Girouard, Hutchings, Michael King, Wayne King, LaMott, Rounds, Stevens, Stewart, Taffe, Walter, Ward and Whitcomb.

HILLSBOROUGH: Abrams, Debora Ahern, Baker, Bergeron, Boutwell, Brack, Burkush, Carragher, Cote, Craig, William Dion, Clyde Eaton, Joseph Eaton, Ford, Fried, Gagnon, Galway, Harrington, Head, Hendrick, Humphrey, Michael Jones, Kaklamos, Katsiaficas, Evelyn King, Levesque, Lynde, Lyons, McGlynn, Nelson, O'Rourke, Parmenter, Marjorie Peters, Quinn, Raiche, Reidy, Resch, Robie, Roy, Russell, Sallada, Silva, B. P. Smith, Leonard Smith, Soucy, Spirou, Steiner, Sylvia, Talbot, Vachon, Wagner, Geraldine Watson, Eleanor Whittemore, Winn, Lucille Wood and Zajdel.

MERRIMACK: Anderson, Bardsley, Bibbo, Laurent Boucher, Bowes, Chynoweth, Samuel Clark, Daniell, Gross, Mary Holmes, Jacobson, Kidder, Kinhan, Lewis, Mercier, Pannell, Phelps, Walter Robinson, Rogers, Gerald R. Smith, Stark, Lawrence Sullivan and Underwood.

ROCKINGHAM: Ames, Benton, Blaisdell, Blanchard, Blanchette, William Boucher, Butler, Carpenito, Case, Connors, Cotton, Cressy, Danderson, Flanagan, Harry Flanders, Beverly Gage, Thomas Gage, Greene, John Hynes, Glenden Kelley, Kozacka, Krasker, Leslie, Lovejoy, Joseph MacDonald, Mace, McLane, William Moore, Nagel, Newman, Pantelakos, Parr, Pevear, Popov, Quimby, Romoli, Scamman, Schmidtchen, Skinner, Sloan, Splaine, Tufts, Walker, Webster and Woodward.

STRAFFORD: Banks, Bernard, Blouin, Bouchard, Chagnon, Chamberlin, Couture, Demers, Dingle, Donnelly, Fielding, Flynn, Grassie, Hennessey, Joos, Kincaid, Paul Meader, Pelley, Francis Robinson, Sackett and Schreiber.

SULLIVAN: Carlson, Converse, Cutting, Flint, Gray, Paul Johnson and Townsend, and the motion lost, lacking the constitutional three-fifths of the membership.

Question being on the report of the Majority, Inexpedient to Legislate. Report adopted.

SB 182, relative to discretionary easements. Ought to Pass with Amendment. This bill, as amended, clarifies the discretionary easement procedure requested by the City of Keene. It also increases the penalty if land is withdrawn before 10 years and provides that if an easement is denied a written



explanation of the reason for the denial will be given. Vote 19-0. Rep. Elizabeth A. Greene for Environment and Agriculture.

#### Amendment

Amend the bill by striking all after the enacting clause and inserting in place thereof the following:

I Criteria for Granting Permit for Discretionary Easements. Amend RSA 79-A:15, II (supp) as inserted by 1981, 561:3 by striking out said paragraph and inserting in place thereof the following:

II. If the planning board determines that the planned use of such land is consistent with one or more of the open space objectives as established by the master plan of the city or town; or is consistent with the provisions of the zoning ordinance of the municipality; or confers a benefit upon the residents of the municipality, including needed open space, recreational areas, or passive recreational areas; or will permit the study of flora and fauna; or provides other similar benefits, the board shall approve the application, grant a permit, and recommend to the selectmen or the mayor and council that a discretionary easement be acquired by the town or city.

2 Written Explanation. Amend RSA 79-A:17, II (supp) as inserted by 1981, 561:4 by striking out said paragraph and inserting in place thereof the following:

II. If the selectmen or the mayor and council deny the application to grant an easement to the town or city, such denial shall be accompanied by a written explanation if only the easement is denied.

3 Release of Easement; Payment. Amend RSA 79-A:19, I(a) and (b) (supp) as inserted by 1973, 372:1 by striking out said subparagraphs and inserting in place thereof the following:

(a) For a release within the first half of the duration of the easement, 20 percent of the RSA 75:1 full value assessment of such land.

(b) For a release within the second half of the duration of the easement, 10 percent of the RSA 75:1 full value assessment of such land.

4 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

SB 22, authorizing the financing of life-care or continuing care facilities for the elderly under the New Hampshire higher educational and health facilities authority. Majority: Inexpedient to Legislate. Minority: Ought to Pass.

MAJORITY: This bill would have expanded the New Hampshire Higher Educational and Health Facilities Authority bonding to a new category of construction including facilities not offering medical care, such as sheltered care, life care, and continuing care. There is no way of knowing how broad this category might become or of how it might affect the

state bond rating. Vote 12-5. Rep. Eugene S. Daniell, Jr. for the Majority of Health and Welfare.

MINORITY: This bill is enabling legislation which would save senior citizens at one home in Nashua alone \$2.5 million in unnecessary interest charges without costing the state one penny nor tying up one dollar of the state's bonded indebtedness. Many other non-profit institutions serving the needy and the elderly located in Concord, Manchester, Portsmouth, Dover, Laconia and Berlin could also benefit from this bill. It was intended to apply only to non-profit institutions, but Committee discussion has been confused by attempts to amend the bill to include private, for-profit institutions. Rep. Mary J. Sullivan for the Minority of Health and Welfare.

Rep. Head moved that the words, Refer for Interim Study, be substituted for the report of the Majority, Inexpedient to Legislate, and spoke to her motion.

Reps. Daniell and Mary Sullivan spoke in favor of the motion.

Adopted.

Referred for Interim Study.

SB 189, relative to the election of the members of the county convention. Refer for Interim Study.

HB 805 has already been referred to interim study. Where SB 189 relates to the same subject matter, referral for interim study will give the Committee the opportunity to consider the question of changes to county government at the same time. Vote 13-0. Rep. Roger C. King for Municipal and County Government.

Rep. Jacobson spoke to the Committee report.

Referred for Interim Study.

HB 847-FN, creating a regional compact for the disposal of low-level radioactive waste, and making an appropriation

therefor. Ought to Pass with Amendment. The amendment replaces the Low-Level Radioactive Waste Compact with a clarification of the Legislature's primary role in the management of low-level radioactive waste as it relates to the State of New Hampshire. Vote 12-0. Rep. Edna Pearl F. Parr for State-Federal Relations.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to a regional compact for the disposal of low-level radioactive waste.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Low-level Radioactive Waste Management Compact. Regardless of the terms of any compact between any other states, approved by Congress, under no circumstances shall the state of New Hampshire enter into any interstate or regional compact or agreement relating to low-level radioactive waste management or disposal siting, even on a conditional or temporary basis, by administrative or executive action, without the explicit approval of the specific terms of the compact or agreement by vote of the full legislature.

2 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Rep. Chardon offered an amendment.

Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Study Committee: Funding. Any funds authorized by 1982, 30:7 which have not been expended as of 11:59 p.m. on June 30, 1983, shall be appropriated to a study committee consisting of the members of the state-federal relations committee of the house of representatives to study the following matters and propose any appropriate legislation to deal with these matters as they relate to the state of New Hampshire.

I. Low-level radioactive waste management.

II. The need for and the feasibility of having a low-level radioactive waste site within the state of New Hampshire.

III. Factors relating to low-level radioactive waste matters.

3 Effective Date. This act shall take effect 60 days after its passage.

The Acting Assistant Clerk read the amendment.

Rep. Chardon explained the amendment.

Rep. Krasker spoke in favor of the amendment.

Amendment adopted.

Referred to Appropriations.

HBI 2005, relating to low-level radioactive waste matters. Ought to Pass. The bill of intent directs the Committee to which it is referred to study all aspects of radioactive waste management as it relates to the State of New Hampshire. Vote 14-0. Rep. Edna Pearl F. Parr for State-Federal Relations.

Rep. Parr spoke to the Committee report. Report adopted.

#### SUSPENSION OF RULES

Reps. Rounds and Spirou moved that the relevant House and Joint Rules be so far suspended as to permit consideration at the present time of HB 849, extending certain temporary beano provisions, without referral to committee, printing, public hearing, committee report and notice in the Calendar.

The Clerk read HB 849.

Reps. Kenneth MacDonald, Spirou and Rounds spoke in favor of the motion.

Adopted by the necessary two-thirds.

Rep. Rounds moved that HB 849, extending certain temporary beano provisions, be passed at the present time.

Adopted.

Ordered to third reading.

#### SENATE MESSAGES NONCONCURS WITH AMENDMENTS REQUESTS COMMITTEE OF CONFERENCE

SB 167, establishing an advisory commission on rules of evidence.

The President appointed Sens. Champagne, Carswell and Stabile.

Rep. Sytek moved that the House accede. Adopted.

The Speaker appointed Reps. Sylvia, Lane, Francis Robinson and Kennedy.

SB 6, relative to endangering the welfare of children.

The President appointed Sens. Carswell, Champagne and Splaine.

Rep. Sytek moved that the House accede. Adopted.

The Speaker appointed Reps. Lane, Thomas Gage, Sytek and Cote.

#### VETO MESSAGE ON HB 193

Honorable Members of the General Court

I hereby veto House Bill 193 which permanently establishes into law the designation of the second week of October as Earth Care Week. I realize that this bill appears to be innocuous on its first reading. However, there are serious procedural and substantive errors in this bill which should not be incorporated into the law of our State.

This bill takes the unusual step of codifying into law the designation of a week urging citizens to become involved "in the protection and preservation of the State of New Hampshire in particular and the planet earth in general." The "Declaration of Purpose" section of the bill discusses armed conflicts among nations, the threat of nuclear confrontation, the search for alternatives to nuclear war, as well as a discussion of peace and its relationship to our citizens' continued sustenance and nourishment. Such political and philosophical comments are not appropriate for codification into New Hampshire law.

I believe that for procedural grounds alone this bill should be vetoed. The designation of a week such as Earth Care Week should be established by each succeeding Chief Executive in a manner consistent with his or her own beliefs and philosophy. It would be my intention to designate the second week of October, 1983 as Earth Care Week, in honor of the late Governor Hugh J. Gallen. However, I believe this legislation is not the appropriate mechanism for dealing with this issue and I

urge the House and Senate to consider the precedent impact that passage of this legislation would create on the statutes of New Hampshire.

John H. Sununu, Governor

Question being, notwithstanding the Governor's veto, shall HB 193 pass.

Reps. Krasker, Flanagan, Joseph MacDonald, Rounds and Spirou spoke in favor.

(Speaker presiding)

YEAS 284 NAYS 52

YEAS 284

BELKNAP: Birch, Bolduc, Bowler, Dexter, Gary Dionne, French, Golden, Hardy, Robert Hawkins, Lamprey, Matthew Locke, Nighswander, Randall, Sanders, David Whittemore and Zeckhausen.

CARROLL: Ashnault, Chase, Dickinson, Robert Holmes, Hraba, Kenneth MacDonald, Murphy and Powers.

CHESHIRE: Barber, Boulter, Eugene Clark, Crane, Davis, Daniel Eaton, Eisengrein, Galloway, Gordon, Grodin, Hickey, Matson, David Meader, Michaelides, Miller, Margaret Ramsay, William Riley, Scranton and William Sullivan.

COOS: Brideau, Harold Burns, Chappell, Chardon, Guay, Horton, David King, Langley, George Lemire, Oleson, Theriault, Valliere and York.

GRAFTON: Blair, Chambers, Copenhaver, Crory, Densmore, Downing, Duggan, Easton, Girouard, Harnish, Hutchings, Michael King, Wayne King, Logan, Rounds, Stevens, Stewart, Taffe, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Abrams, Debora Ahern, Richard Ahern, Ahrens, Arris, Baker, Bass, Bergeron, Boutwell, Brack, Burkush, Leslie Burns, Carragher, Charbonneau, Cote, Cronin, Crotty, William Dion, Donovan, Duprey, Joseph Eaton, Fields, Ford, Fried, Gagnon, Galway, Grasso, Grip, Harrington, Head, Hendrick, Humphrey, Jean, Kakkamanos, Kashulines, Katsiaficas, Robert Kelley, Leclerc, Levesque, Lyons, McGlynn, Migneault, Morrisette, Nelson, Nickerson, O'Rourke, Parmenter, Marjorie Peters, Pressly, Quinn, Raiche, Peter Ramsey, Reidy, Resch, Robie, Roy, Russell, Silva, Leonard Smith, Soucy, Spirou, James Sullivan, Mary Sullivan, Talbot, Turgeon, Vachon, Wagner, John Wallace, Harold Watson, Robert Wheeler, Eleanor Whittemore, Winn, Lucille Wood and Zajdel.

MERRIMACK: Allgeyer, Anderson, Bardsley, Bowes, Cate, Chynoweth, Samuel Clark, Daniell, Dean, Gross, Mary Holmes, Jacobson, Kidder, Kinhan, LaBranche, Lewis, McDonnell, Mercier, Nichols, Pannell, Parrish, Phelps, Doris Riley, Louise Roberts, Walter Robinson, Rogers, Savaria, Shepard, Gerald R. Smith, Stark, Stio, Lawrence Sullivan and Underwood.

ROCKINGHAM: Belanger, Beliveau, Benton, Blaisdell, Blanchard, Blanchette, William

Boucher, Butler, Carpenito, Case, Connors, Cotton, Cressy, Danderson, Drake, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Greene, Gregorio, Hollingworth, John Hynes, Joslyn, Katsakiores, Glenden Kelley, Roger King, Kozacka, Krasker, Leslie, LoFranco, Longworth, Lovejoy, Joseph MacDonald, Mace, Malcolm, Robert Mason, McLane, William Moore, Nagel, Newman, Palumbo, Parr, Pevear, Popov, Quimby, Romoli, Rosencrantz, Schmidtchen, Sherburne, Simon, Skinner, Sloan, Sochalski, Splaine, Stork, Tavitian, Tufts, Vartanian, Walker, Webster, Raymond Wood and Woodward.

STRAFFORD: Appleby, Banks, Bernard, Blouin, Bouchard, Chagnon, Couture, Demers, Dingle, Albert Dionne, Donnelly, Flynn, Grassie, Hamel, Hennessey, Hussey, Robert Jones, Joos, Kincaid, Lussier, Musler, Pelley, Francis Robinson, Sackett, Schreiber and Whiting.

SULLIVAN: Brodeur, Carlson, Converse, D'Amante, Flint, Gray, Irwin, Paul Johnson, Palmer and Townsend.

NAYS 52

BELKNAP: Holbrook and Pearson.

CARROLL: Heath and Saunders.

CHESHIRE: Kennedy, Lane, Morse, Parker and Perry.

COOS: None.

GRAFTON: Christy, Driscoll and McAvoy.

HILLSBOROUGH: Arnold, John Burns, Craig, Clyde Eaton, Knight, Labombarde, Howard Mason, Nute, Paradis, Sallada, B. P. Smith, Steiner, Sylvia, Ware, Geraldine Watson, Wells, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Bibbo, Arthur Locke and William Roberts.

ROCKINGHAM: Ames, Bangs, Blake, Burdick, Ellyson, Thomas Gage, Kane, Nevins, Newell, Scamman, Schwaner, Sytek, Vecchione and Warburton.

STRAFFORD: Chamberlin, Fielding and Franklin Torr.

SULLIVAN: Cutting and Ingram, and the veto was overridden by the constitutional requirement of two-thirds.

Rep. Malcolm notified the Clerk that he inadvertently voted yea and meant to vote nay.

Rep. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed

at the present time, and when the House adjourn today it be to meet Tuesday, May 31 at 1:00 p.m.

Adopted.

#### LATE SESSION

##### Third reading and final passage

SB 176-FN, relative to insurance coverage for residential psychiatric treatment.

SB 194, relative to dry cleaning establishments.

SB 150-FN, relative to hawk and peddler licenses.

SB 198, relative to the regulation of barbers and cosmetologists.

SB 142-FN, relative to the dental practice act.

SB 178, relative to apportioning the delegates voted for at the presidential primary to the national party conventions.

SB 200, relative to political activities by classified and unclassified state employees.

SB 204, relative to county commissioner districts in Coos county.

SCR 6, urging the Democratic National Committee and presidential candidates to help New Hampshire preserve its first-in-the-nation presidential primary status.

SB 195, relative to passing school buses.

SB 182, relative to discretionary easements.

HB 849, extending certain temporary beano provisions.

Rep. Rounds moved that the House stand in recess for the purpose of Introduction of Bills and Enrolling Reports only.

Adopted.

The House recessed at 3:50 p.m.

#### RECESS

(Speaker Pro Tem in the Chair)

#### ENROLLED BILLS REPORT

HB 85, recommending to hunters that they wear hunter orange.

HB 323, relative to the Summer Brook fish hatchery in the town of Ossipee.

HB 339, providing the town of Ossipee the first option on purchasing the Summer Brook rearing station.

HB 432, to extend the road toll increase.

HB 436, establishing a highway block grant aid program.

HB 437, establishing a 90 day limit for filing claims for liens against funds held by the state on highway contracts.

HB 479, relative to the incompatibility of certain offices.

HB 510, relative to nursing home cost incentive programs.

HB 594, requiring tax collectors to mail tax notices to delinquents 30 or fewer days prior to posting the tax sale and to mail notice of deed at least 30 days prior to executing a tax collector's deed.

HB 643, relative to fees, definitions and enforcement procedures relative to hazardous waste.

HB 822, revising the charter of the Concord union school district.

SB 40, relative to selling venison imported into the state.

SB 41, relative to certain positions in the department of revenue administration and authorizing the exchange of information with other states.

SB 61, legalizing certain school district meetings and school district elections.

SB 79, relative to disclosure of security takeovers.

Rep. Francis Donovan  
Sen. John P.H. Chandler  
For the Committee.

#### RECESS

(Rep. Demers in the Chair)

#### ENROLLED BILLS REPORT

SB 60, providing a referendum to discontinue the office of the city manager in the city of Berlin.

SB 104, relative to the definition of a moped.

SB 116, relative to the appeal rights of discharged employees covered by certain collective bargaining agreements.

SB 217, relative to the election laws.

HB 425, authorizing advanced registered nurse practitioners to prescribe medications in certain circumstances.

HB 568, establishing an advisory committee on long-term care.

HB 591, clarifying the status of tax warrants in semi-annual billing and relative to tax records.

HB 593, to allow taxes to be assessed to the current owner of property if it has changed hands after April 1.

Rep. Francis Donovan  
Sen. John P. H. Chandler  
For the Committee.

#### RECESS

(Rep. John Wallace in the Chair)

Their introduction having been approved by the Rules Committee, Rep. Russell offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bills of Intent numbered 2006 and 2007 and House Concurrent Resolution numbered 11 shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF HBIs and HCR First, second reading and referral

HBi 2006, relating to the control and restraint of guard dogs. (Nagel of Rockingham Dist. 20 - To Public Protection and Veterans' Affairs)

HBi 2007, relating to a study of the fish and game license fees. (French of Belknap Dist. 4 - To Fish and Game)

HCR 11, establishing a committee to address the issue of visual pollution of New Hampshire's highways. (Lewis of Merrimack Dist. 5; Dickinson of Carroll Dist. 2; Whittemore of Belknap Dist. 12; Lyons of Hillsborough Dist. 22; Banks of Strafford Dist. 1; Bardsley of Merrimack Dist. 1; Wiggins of Dist. 8 - To Resources, Recreation and Development)

## ENROLLED BILLS REPORT

HB 315, making certain supplemental appropriations relative to records relating to assigned counsel for indigent defendants, and relative to estimated federal funds.

Rep. Francis Donovan  
Sen. John P.H. Chandler  
For the Committee.

## RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn.  
Adopted.



# HOUSE JOURNAL 26

*Tuesday, 31 May 83*

The House assembled at 1:00 p.m., and was called to order by the Speaker.

Prayer was offered by guest Chaplain, Rev. Samuel N. McCain of Salishury.

Almighty God, as we work this day on matters of the State, keep us we beseech Thee, sensitive to Your justice and alive to Your love. May all that we do here in the General Court this day, further Your kingdom on earth. Through Jesus Christ, Your Son, our Lord. Amen.

Rep. Perkins led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Coulombe, Mann, Chisholm, Waldron, Stimmell, Zimmerman and Louise Roberts, the day, illness.

Reps. Kaklamanos, Charbonneau, Margaret Ramsay, Bass, Timm, Van Loan, Labombarde, Ralph Torr, Simon and John Hynes, the day, important business.

Reps. Daniel Healy and Roland Belhumeur, the day, death in the family.

## INTRODUCTION OF GUESTS

Klaus Schmolling and Juergin Klie representing the German Parliament, guests of Rep. Tamposi; Ann Torr, wife of Rep. Franklin Torr; Patricia Christiansen, sister-in-law of Rep. Robert Jones; Marc Chardon, guest of Rep. Chardon; Arlene Blaisdell, guest of Rep. Blaisdell.

## SENATE MESSAGES REFERRED FOR INTERIM STUDY

HB 173, providing for a mandatory winter stay of dispossession for certain residential tenants who have defaulted on their rent.

HB 835, relative to the regulation of water utilities.

HB 584, permitting towns without zoning to establish village districts with zoning.

HB 825, relative to referring certain zoning and subdivision changes to regional planning commissions and abutting towns.

HB 826, relative to the powers and duties of regional planning commissions.

## NONCONCURRENCE

HB 186, to limit the categories of persons on whose behalf the division of welfare may seek appointment of guardian.

HB 664, relative to contiguous nonconforming lots.

HB 555, requiring deeds or other conveyances of property to include the tax map and parcel number of the property.

HB 706-FN, relative to the awarding of fees and other expenses in civil actions involving state agencies.

HB 317, amending the business profits tax by limiting the depreciation deduction to the amount allowable before the Economic Recovery Tax Act of 1981.

HB 474, authorizing the mayor of Concord, with the consent of the city council, to appoint commissioners to the Concord housing authority.

HB 383-FN, prohibiting tax exemptions for the legally blind who hold driver's licenses.

## CONCURRENCE

HB 526, relative to energy conservation in new building construction.

HB 37, limiting the area of operation for the housing finance agency.

HB 232-FN, authorizing the transfer of boat registration fees previously collected to the dam maintenance fund.

HB 356-FN, relative to the limitation on the use of certain devices for salt water fishing and cooperation with federal agencies.

HB 625-FN, relative to increasing license fees for the transport of petroleum products into the state.

HB 480, relative to the adoption of a New England truckers compact.

HB 534-FN, relative to the penalty for violation of the odometer disclosure law.

HB 572-FN, creating a uniform interest rate penalty for the late filing of tax returns, and amending exceptions to the penalty for the underpayment of estimated tax.

HB 284-FN, exempting privately owned school buses from the gas tax.

HB 849, extending certain temporary beano provisions.

HB 185, changing references in the laws relating to solid waste and hazardous waste from the bureau of solid waste management to the office of waste management.

HB 363, relative to blind voters.

HB 370, permitting a person to be the candidate for only one party.

HB 471, concerning the effective date of certain laws.

HB 558, relative to overseas voters.

HB 587, making "New Hampshire Naturally" an honorary state song and making the white tail deer the state animal.

HB 36-FN, relative to jurors' fees.

HB 52, to eliminate the designation of dangerous sexual offender.

HB 215, relative to driving after suspension or revocation.

HB 838-FN, correcting the over-apportionment made in the 1981 tax rate for the town of Bartlett.

HB 418-FN, establishing a diesel fuel tax study commission.

HB 573, relative to the exclusion or modification of warranties for consumer goods or services.

HB 638-FN, increasing the penalty for failing to obey a summons.

HB 651, relative to repayment of counsel expenses by indigent defendants.

HB 758-FN, relative to the representation of indigent defendants.

HB 376-FN, defining a commercial kennel.

HB 435, legalizing a certain marker placed along the boundary between the towns of Lee and Barrington.

HB 466, relative to the laws affecting the state militia and state employees who are members of the armed forces.

HB 397-FN, increasing the per diem charge for impounded dogs.

HB 538-FN, relative to police presence at public meetings and functions.

HB 144-FN, relative to sunset review of the labor department - administration and support.

HB 395-FN, permitting the naming of contingent beneficiaries for retirement benefits under the state retirement system.

HB 628, increasing certain insurance coverage required for operating an aircraft.

HB 681-FN, relative to the time of payment of certain wages.

HB 705-FN, providing optional allowances for the beneficiary of a deceased retirement system member.

HB 749-FN, relative to the appellate division and appeal tribunal of the department of employment security.

HB 798-FN, relative to the weekly benefit amount for unemployment compensation.

HB 808, authorizing the bank commissioner to provide independent insuring funds with certain information relative to financial institutions.

HB 809, relative to credit unions.

HB 514-FN, providing for the unlimited duration of rules adopted by the bank commissioner under RSA 394-A.

HB 688, making electronic banking available to credit unions.

HB 715-FN, relative to the distraint of the contents of safe deposit boxes.

HB 740, relative to the average daily balance method of billing.

HB 1, relative to state reorganization.

HB 308, relative to the discount allowed on the price of liquor sold to on-sale permittees by the liquor commission.

HB 622, relative to disorderly conduct.

HB 719-FN, requiring the board of tax and land appeals to tape record hearings and make the tape available to the public.

HB 745-FN, amending the business profits tax and transferring certain functions to the department of revenue administration.

HB 834, eliminating the requirement that the commissioner of revenue administration certify the issuance or authorization of municipal and county bonds and notes.

HB 839, to compensate deputy sheriffs in Hillsborough County on a salary and expense basis.

HB 772, relative to the felonious use of body armor.

animals, game birds and fur bearing animals. (amendment printed SJ 5/10)

Rep. French moved that the House concur. Adopted.

HB 792, relative to the false advertising of maple products. (amendment printed SJ 5/19)

Rep. Quimby moved that the House concur. Adopted.

HB 498-FN, establishing migratory waterfowl stamp and a waterfowl conservation account. (amendment printed SJ 5/24)

Rep. French moved that the House concur. Adopted.

HB 226, prohibiting the release of any animal from any animal shelter facility or animal care center for experimentation or vivisection purposes. (amendment printed SJ 5/26)

Rep. Greene moved that the House concur. Adopted.

HB 63-FN, relative to a transfer tax on mobile homes. (amendment printed SJ 5/24)

Rep. Scamman moved that the House concur. Adopted.

HB 239-FN, relative to aerial surveillance for the discovery and control of forest fires. (amendment printed SJ 5/24)

Rep. Greene moved that the House concur. Adopted.

HB 391, amending certain banking laws. (amendment printed SJ 5/26)

Rep. Quimby moved that the House concur. Adopted.

HB 297-FN, establishing a committee to study ethics in government. (amendment printed SJ 5/17)

Rep. Flanagan moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Flanagan, Duggan, Abrams and Lovejoy.

HB 430-FN, providing filing fees for the construction or reconstruction of dams and making an appropriation therefor. (amendment printed SJ 5/24)

Rep. Paul Meader moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Woodward, LaMott, Banks and Blanchard.

HB 648-FN, relative to smoke detectors in rental units. (amendment printed SJ 5/25)

Rep. Benton moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Benton, Carlson, Musler and Morrisette.

HB 626-FN, permitting deductions for qualified charitable and research

#### REQUESTS CONCURRENCE WITH AMENDMENTS

HB 349, providing restitution to the state for illegal taking or possessing game

contributions from the business profits tax. (amendment printed SJ 5/25)

Rep. Scamman moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Ahrens, Grip, Densmore and Arnold.

HB 294-FN, providing for a method of protection of the groundwater of the state and establishing a water resources management program. (amendment printed SJ 5/24)

Rep. Paul Meader moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Burdick, Dingle, James Whittemore and Schreiber.

#### ENROLLED BILLS REPORT

HB 849, extending certain temporary beano provisions.

Rep. Francis Donovan  
Sen. John P.H. Chandler  
For the Committee.

#### ENROLLED BILLS AMENDMENTS

HB 408-FN, relative to hydro funds.

##### Amendment

Amend RSA 6:12, I(c) as inserted by section 2 of the bill by striking out said subparagraph and inserting in place thereof the following:

(c) Fines received for violations of RSA 214:12 and any monetary damages recovered pursuant to RSA 211:74, which shall be credited to the fish and game fund.

This amendment conforms RSA 6:12, I(c) to the version passed in House Bill 83, Chapter 23.

Adopted.

SB 32, eliminating the waiting period for amending a legal separation decree to one of divorce.

##### Amendment

Amend section 1 of the bill by striking out lines one and 2 and inserting in place thereof the following:

1 Amendment of Decree. Amend RSA 458:26, II (supp) as inserted by 1971, 445:5 by striking out said paragraph and inserting in place thereof the following:

This amendment makes corrections in the amending language.

Adopted.

CACR 2, relating to the term of the governor. Providing that the term shall be 4 years.

#### Amendment

Amend paragraph I of the resolution by striking out lines 10-14 and inserting in place thereof the following:

senate and house of representatives on the first Wednesday following the first Tuesday of January to be examined by them. In the case of an election by a plurality of votes throughout the state, the general court shall declare and publish the name of the winner. The qualifications of electors of the governor shall be the same as those for senators; and if no person shall have a plurality of

This amendment reinserts a change in language in article 42 that was adopted by the voters of the state at the last general election and unintentionally omitted from the text of the article.

Adopted.

SB 87, relative to the criminal threatening of property.

#### Amendment

Amend RSA 631:4, II as inserted by section 1 of the bill by striking out lines one and 2 and inserting in place thereof the following:

II. The offense is a misdemeanor, except a violation of subparagraph I(c), which is a class B felony.

This amendment inserts the word "subparagraph" before "I(c)" in RSA 631:4, II as inserted by section 1 of the bill in order to designate "I(c)" as a subparagraph within the section.

Adopted.

SB 95-FN, relative to the examination of insurance companies, insurance company license fees and relicensing of insurance companies.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to the examination and relicensing of insurance companies.

This amendment changes the title of the bill to conform with the bill's contents.

Adopted.

#### COMMITTEE OF CONFERENCE REPORT ON HB 71

HB 71, relative to the treatment of horses. (report printed SJ 5/26)

Rep. Shepard moved that the House adopt the Committee of Conference report.

Adopted.

## COMMITTEE REPORT

HB 779, relative to binding arbitration for public employees.

Lacking the necessary votes to take affirmative action (Article 20 Sec. 2) on April 21, Rep. Rounds moved that HB 779 be Referred for Interim Study and spoke to his motion.

Adopted.

Referred for Interim Study.

## RECONSIDERATION

Having voted with the prevailing side, Rep. D'Amante moved that the House reconsider its action whereby it passed SB 12, increasing the minimum age for purchase, sale and consumption of alcoholic beverages to 21 years, spoke to his motion and withdrew his motion.

Rep. Rounds moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 209, relative to repairs to the state house and railroad line improvements, was removed at the request of Rep. Daniell.

SB 57, relative to the authority of selectmen over certain police budgets, was removed at the request of Rep. Daniel Eaton.

SB 94-FN, relative to property tax exemptions, was removed at the request of Rep. Lamprey.

Adopted.

COMMITTEE REPORTS (cont.)  
(Consent Calendar)

HB 207, making an appropriation to enable the New Hampshire hospital to purchase electrical power. Ought to Pass with Amendment.

Reassessment of the work to be done proved the needed appropriation to be less than in the original bill. The amendment addresses the lesser appropriation. Passage of this bill will insure a savings of between \$70,000 and \$100,000 per month to the state. Vote 19-0. Rep. Paul I. LaMott for Appropriations.

## Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Hampshire Hospital; Electrical Power. Amend 1981, 565:20, IV, A by striking out said subparagraph and inserting in place thereof the following:

A. New Hampshire hospital

- (1) Fire alarm and call bell systems for Thayer building 90,000
- (2) Switching yard and transformer connections 175,000\*
- (3) Purchase and installation of automatic switching devices within the hospital complex 121,000\*

2 Funds Not Transferable. Amend 1981, 565:20 by striking out the unnumbered concluding paragraph following paragraph

VIII and inserting in place thereof the following:

\*These funds shall not be transferred or expended for any other purpose.

Notwithstanding any other provision of law, the sums hereby appropriated shall be expended by the department of public works and highways, division of public works requesting bids for the work on the above listed projects with the bids going to those persons, firms or corporations which are able to most fully complete the projects provided for herein. A bidder may bid on one or all categorically similar projects listed herein and may condition its bid on all its bids being accepted.

3 Total Amended. Amend the introductory paragraph of 1981, 565:20 as amended by 1982, 38:9 by striking out said paragraph and inserting in place thereof the following:

565:20 Bids. There is hereby appropriated the sum of \$2,371,465 to the department of public works and highways, division of public works for the following projects:

4 Bond Total Amended. Amend 1981, 565:21 as amended by 1982, 38:11 by striking out said section and inserting in place thereof the following:

565:21 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in section 20 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$2,371,465 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A; provided, however, that all of the bonds issued for the purposes of section 20 of this act shall have a maturity of 5 years from the date of issue.

5 Effective Date. This act shall take effect upon its passage.

SB 119, relative to appeals to the superior court concerning the abatement of property taxes and relative to promotions under the land sales full disclosure act and the condominium act. Inexpedient to Legislate.

The Committee concluded that there was not a significant need for this bill and that the existing law provided protection for the consumer interested in time sharing purchases, and created a very admirable image of the time sharing concerns currently doing business in the State of New Hampshire. Vote 13-3. Rep. William J. Sullivan for Commerce, Housing and Consumer Affairs.

SB 108, relative to the powers of the board of education of the union school district of Keene, subject to approval by local referendum. Ought to Pass with Amendment.

SB 108 provides for a referendum in the City of Keene at the November, 1983 municipal election. The voters will be asked to decide whether to abolish the annual school district meeting and create an autonomous school board for the Keene Union School District. Vote 16-1. Rep. Betty Jo Taffe for Education.

## Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Governing Board. All the powers of the district shall be vested in a board of education of 9 members. At its annual meeting held for the purpose of organization, the board shall choose one of its members as chairman. Also at said annual meeting, the board shall choose a person to serve as clerk of the district and shall choose some other person as treasurer of the district. The clerk and treasurer shall not be members of the board. The clerk may be a regular employee of the district, but the treasurer may not be an employee of the district. In the event of a vacancy in any of said offices of chairman, clerk, or treasurer, the board shall choose a person to complete the unexpired term of such vacant office at its next regular meeting following notification of the vacancy. The board shall define the duties of said offices and shall determine a compensation for the clerk and treasurer. Nothing herein shall prevent the board from establishing such other offices and/or committees, and from defining the duties of such other offices and/or committees, as it may see fit.

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Compensation. Members of the board of education shall receive \$1 per annum in full for their services.

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 All Meetings Public. All meetings of the board of education shall be public. Regular meetings shall be held monthly and special meetings shall be held on call of the chairman, superintendent of school, or on request of at least 2 members of the board. The board shall establish its own rules, and a majority shall constitute a quorum for the transaction of its business. Nothing herein shall prevent the board from holding executive sessions in accordance with RSA 91-A.

Amend the bill by striking out section 16 and inserting in place thereof the following:

16 Current School Board. The current school board of the union school district of Keene shall become the board of education and the present members of the board shall continue in office as previously provided. Election of members to the board of education shall be in the same manner as previously provided for election of members to the school board. The provisions of this act shall not prevent the conduct of the lawful business of the board from the date of adoption of this act in accordance with section 19 to the date of the first annual meeting held for the purpose of organization.

Amend the bill by striking out section 19 and inserting in place thereof the following:

19 Referendum. The clerk of the union school district of Keene shall prepare referendum ballots for use by the voters at the regular municipal election of the city of Keene to be held in November, 1983, upon

which shall be printed the question: "Shall provisions of an act entitled 'An act relative to the powers of the board of education of the union school district of Keene' enacted by the 1983 session of the general court, which provides that the Keene union school district meeting be abolished, and all powers previously vested in the district, including approval of the annual budget and all bond issues, be vested in the Keene board of education, be adopted?" Beneath this question shall be printed the word "Yes" and the word "No" with a square immediately opposite each such word in which the voter may indicate his choice. Said ballots shall be delivered by the district clerk to the city clerk of the city of Keene, who shall deliver the same to the election officials in the several wards at the same time that ballots for the election of city officials at said election are delivered. If a majority of the voters present and voting on the question shall signify their approval thereof, this act shall be declared adopted. Ballots cast on said question shall be counted and the results announced by the city election officials in the manner prescribed in RSA 659:58-70. Ward moderators shall forthwith certify the results of said vote in their respective wards to the district clerk; and the district clerk shall, within 10 days after said election, certify to the secretary of state the result of the vote on said question.

SB 18-FN, removing compensation offset provisions from disability and death benefits under the New Hampshire retirement system. Ought to Pass with Amendment.

The Committee believed that the workers compensation offset provision from disability and death benefits under the New Hampshire Retirement System should be adjusted. The amendment allows the offset at the rate of one-half the actual amount paid. Vote 16-0. Rep. William Gregorio for Executive Departments and Administration.

## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

amending the compensation offset provision relative to disability benefits under the New Hampshire retirement system.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Compensation Offset; Disability Benefits. Amend RSA 100-A:6, III(c) (supp) as inserted by 1967, 134:1 as amended by striking out said subparagraph and inserting in place thereof the following:

(c) Any amounts which may be paid or payable to or on account of any member or retired member on account of any disability to which the employer has made contributions under the provisions of any



workmen's compensation or similar law or plan shall, in such manner as the board of trustees shall determine and at the rate of 1/2 the actual amount paid, be offset against and payable in lieu of any state annuity on account of the same disability.

2 Effective Date. This act shall take effect 60 days after its passage.

Referred to Appropriations.

SB 29, relative to the department of centralized data processing. Ought to Pass with Amendment.

This bill clarifies the encumbrance and transfer of funds for data processing for fiscal year 1983. Vote 18-0. Rep. Kathleen W. Ward for Executive Departments and Administration.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Centralized Data Processing.

Notwithstanding any other provision of law to the contrary, the comptroller shall, upon the effective date of this act, encumber from any available funds in each user agency appropriation a sum sufficient to pay to the department of centralized data processing all sums due for services rendered to such user agency including, but not limited to, sums which have been billed by the department of centralized data processing and sums which are due for services rendered by agreement or otherwise. The encumbrance of any funds by the comptroller pursuant to this section for sums billed for services provided shall be deemed payment for the services rendered; and the user agency shall immediately seek reimbursement thereof, where available. If the user agency disputes a bill from the department of centralized data processing for services rendered, said dispute shall be settled by the governor. If a dispute involving encumbered funds is not settled by June 30, 1983, such funds shall lapse into the appropriate fund. For the purposes of this section, "user agency" means any department, board, commission, institution or other agency or office of the state utilizing services provided by the department of centralized data processing. The provisions of this section shall apply to all funds for the fiscal year ending June 30, 1983.

2 Effective Date. This act shall take effect upon its passage.

SB 135, to permit town workers who are members of the New Hampshire retirement system to withdraw from the system without jeopardizing the membership of other town workers in the system. Ought to Pass with Amendment.

The Committee believed that the withdrawal provisions for town workers from the New Hampshire Retirement System should be modified. The amendment retains the two-tier withdrawal process, but clarifies and strengthens the

actions of both the employees and the employers. Vote 16-0. Rep. William Gregorio for Executive Departments and Administration.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to the procedure for withdrawing from the New Hampshire retirement system for municipal officers and employees.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Sections. Amend RSA 100-A by inserting after section 43 the following new sections:

100-A:43-a Withdrawal Procedure. The withdrawal authorized by RSA 100-A:43 may occur upon the following conditions:

I. That 3/4 of the officers and employees of said employer who are members of the retirement system and who are eligible under the provisions of RSA 100-A:10 for a vested deferred retirement allowance vote to withdraw, such vote being advisory only; and

II. If the governing body shall elect to withdraw as a participating employer and further, that the governing body submits written notice of the employee vote and the request to withdraw to the board of trustees of the New Hampshire retirement system.

100-A:43-b Officer or Employee Rights Upon Withdrawal. Any officer or employee withdrawing from the retirement system pursuant to RSA 100-A:43 and 100-A:43-a shall be entitled to withdraw his accumulated member contributions which shall be credited with accumulated interest to the date of withdrawal. After withdrawal, the employer will cease to be required to make contributions to the retirement system for the normal contribution or to the balance of the established unfunded accrued liability.

2 Repeal. The following are hereby repealed:

I. 1977, 262:2, relative to the procedure for withdrawing from the retirement system.

II. 1977, 262:3, relative to officer and employee rights upon withdrawal from the retirement system.

3 Effective Date. This act shall take effect 60 days after its passage.

SB 154, requiring the state to buy American made products. Inexpedient to Legislate.

The Committee feels that, while the intent of the bill may deserve consideration, its implementation would present legal and financial difficulties to the state. Vote 17-0. Rep. Nancy M. Ford for Executive Departments and Administration.

SB 171, relative to the board of registration in medicine and the terms of certain positions at New Hampshire hospital. Ought to Pass with Amendment.

The major changes in this bill are designed to: (1) provide information to the Board of Registration in Medicine regarding disposition by the court and by hospitals of any medical injury suits or disciplinary action against a licensee; (2) to provide for fair and due process in any termination of unclassified personnel at the state hospital. Minor housekeeping changes were also made to Chapter 329, the Medical Practice Act. Vote 23-0. Rep. Sara M. Townsend for Executive Departments and Administration.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to the board of registration in medicine, certain positions at the New Hampshire hospital and a legislative study committee.

Amend the bill by striking out all after section 12 and inserting in place thereof the following:

13 Repeal. The following are hereby repealed:

I. RSA 329:12, I(c), relative to citizenship requirements.

II. RSA 329:12, III(h), relative to internships approved by the American Medical Association.

III. RSA 329:30, relative to laetrile drug therapy.

14 New Hampshire Hospital Positions. Amend RSA 135:6-a, IV (supp) as inserted by 1973, 594:1 as amended by striking out said paragraph and inserting in place thereof the following:

IV. The superintendent with the approval of the division of mental health and developmental services shall appoint qualified personnel to the positions established by paragraph I. Each such appointee shall serve subject to the following provisions:

(a) Each year on the anniversary date of the individual's appointment, the superintendent shall review the individual's performance during the previous year.

(b) If the superintendent determines that good cause for termination exists, he may terminate the individual from the position provided he notifies the individual in writing of the reasons for his decision.

(c) Within 10 days of receipt of notice of the decision to terminate his appointment, an individual may appeal the termination in writing to the commissioner of the department of health and welfare.

(d) Within 20 days of receiving the notice of appeal, the commissioner of health and welfare shall conduct a hearing in accordance with rules

adopted by the commissioner of health and welfare pursuant to RSA 541-A.

(e) The commissioner of health and welfare shall render a written decision either upholding or reversing the decision of the superintendent within 10 days of the completion of the hearing process. If the commissioner reverses the decision of the superintendent, the appointee shall be reimbursed for all pay and benefits lost during the time required to complete the appeal process and shall be reinstated to his position.

#### 15 Study Committee Established.

I. There is hereby established a legislative committee comprised of 6 members, 3 appointed by the speaker of the house of representatives at least one of whom shall be a member of the minority party, and 3 appointed by the president of the senate at least one of whom shall be a member of the minority party. The committee shall study RSA 415:18-a, RSA 419:5-a, and RSA 420:5-a, relative to coverage for mental and nervous conditions and RSA 330-A, relative to the certification of psychologists. The purpose of the study shall be to maintain and improve services available to consumers while maximizing cost-efficiency and cost-effectiveness. In its study, the committee shall, at a minimum, review:

(a) Prevalence of mental and nervous conditions and which conditions are covered;

(b) Appropriate service providers;

(c) Quality control;

(d) Deductibles and

co-insurance payments;

(e) Possible cost containment measures; and

(f) Mandated coverage of mental and nervous conditions.

II. The committee shall report its findings to the legislature by July 1, 1984.

16 Effective Date. This act shall take effect upon its passage.

SB 215-FN, relative to grants for retired senior volunteer programs and making an appropriation therefor. Ought to Pass. This bill will greatly aid the RSVP volunteers in providing a special "travel" grant. This is a two-year program. Vote 22-0. Rep. Sara M. Townsend for Executive Departments and Administration.

Referred to Appropriations.

SB 179-FN, relative to delinquents. Refer for Interim Study.

The Committee feels this bill needs further study. Vote 16-3. Rep. Evelyn S. Dean for Health and Welfare.

SB 136-FN, relative to indexing trustee process. Ought to Pass with Amendment. The Committee felt this bill was a reasonable way to clear up an inconsistency between the counties in recording trustee process. Vote 16-1. Rep. Kendall W. Lane for Judiciary.

## Amendment

Amend RSA 511:5-a, I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. Trustee process shall not constitute an attachment upon real estate, unless:

(a) The trustee is named in the caption of the case for which he is recording the trustee process;

(b) The person for whom the trustee is acting in his capacity as trustee is named in the caption of the case for which the trustee is recording the trustee process; and

(c) The trustee process specifically recites that the real estate standing in the name of the trustee is attached.

SB 211, relative to bad checks. Ought to Pass with Amendment.

This bill, as amended, will allow for prosecuting of bad check cases in the jurisdiction where the bad check was issued. It will help small business persons seeking to regain their losses. Vote 13-5. Rep. Thomas U. Gage for Judiciary.

## Amendment

Amend RSA 638:4, V as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

V. In addition to any other sentence which it imposes, the court shall, if restitution is authorized under RSA 651:63, order any person convicted of a violation of this section to make restitution to the person to whom the check was due. Such restitution shall include the amount of the check and may include all reasonable costs and protest fees.

Amend the bill by striking out section 2 and renumbering sections 3 and 4 to read as 2 and 3, respectively.

SB 149, authorizing the disposition of land and buildings occupied by the United States National Guard armory in the city of Manchester, New Hampshire. Ought to Pass.

This bill is merely enabling legislation to give the National Guard and the City of Manchester the authority to negotiate for a new location and a more adequate armory at no expense to the State. This to be done with permission of the Legislative Office Space Study Committee for the convenience and further development of the inner-city of Manchester, if the occasion should arise. Vote 16-2. Rep. Charles M. Nute for Public Works.

SB 181, relative to improvements to the Eastern New Hampshire turnpike and making an appropriation therefor. Ought to Pass.

The Committee feels the traffic problems in this area are severe enough to warrant approval of this project. The federal government is being asked for a 50 percent participation. Vote 18-0. Rep. Beverly A. Gage for Public Works.

Referred to Appropriations.

SB 212, providing for the purchase of a state liquor store on Coliseum avenue in Nashua and making an appropriation therefor. Ought to Pass with Amendment.

This liquor store has been considered for purchase by the state for several years. It is the eighth largest revenue producer in the state and will become the twelfth state-owned store. It will become a combination retail, wholesale and warehouse facility eliminating the need for rental on a bonded warehouse. Vote 12-3. Rep. Mildred S. Ingram for Public Works.

## Amendment

Amend the bill by striking out all after section 2 and inserting in place thereof the following:

3 Temporary Borrowing Authorized. To provide funds for the appropriations made in section 2 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state the sum of \$990,000. Twenty-five percent of the total indebtedness shall be repaid in each of the 4 years following completion of the liquor store renovations provided for in section 2 of this act. Notwithstanding any other provision of law to the contrary, in each of said 4 years, the comptroller shall transfer said 25 percent from the state liquor commission's unrestricted revenue to the state treasurer for the purpose of repaying the loan authorized in this section.

4 Sale of Surplus Land. The liquor commission and the department of public works and highways shall determine the amount of land at 2 Coliseum avenue, Nashua, New Hampshire purchased under section one of this act which is not necessary for the operation of a liquor store. Said surplus land shall be sold by the comptroller with the approval of the office space study committee. Any revenue from the sale shall go toward reducing the indebtedness authorized under section 3 of this act.

5 Effective Date. This act shall take effect 60 days after its passage.

Referred to Appropriations.

Rep. Bolan abstained from voting under Rule 16.

SB 103, relative to disposal of sewage and other wastes from boats. Ought to Pass with Amendment.

This bill incorporates into RSA 149-A, which prohibits the discharge of sewage from marine toilets into the fresh waters of the state, the prohibition of discharge of sink and shower wastes, defined as "graywater." The amendment requires compliance by any person who launches a boat into the fresh waters of the state. Vote 19-0. Rep. Jane F. Sanders for Resources, Recreation and Development.

## Amendment

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Responsibility of Marinas and Shore Property Owners; Rulemaking. Amend RSA 149-A by inserting after section 3 the following new sections:

149-A:3-a Responsibility of Marinas and Shore Property Owners.

I. After the effective date of this section, all owners and operators of any marina or shore property located on fresh waters of the state shall cooperate with the commission by publicizing the requirements of this chapter among the boating fraternity and other interested parties.

II. The provisions of this chapter shall not apply to new boats held in inventory by marine dealers which are placed in fresh waters of the state for demonstration purposes only; provided that toilets, sinks, or showers on said new boats shall not be placed in commission and shall be sealed and clearly posted to preclude their use.

149-A:3-b Rulemaking. The water supply and pollution control commission shall have authority to carry out the provisions of this chapter by appropriate rules adopted pursuant to RSA 541-A.

149-A:3-c Compliance. After the effective date of this section, no person shall knowingly launch into the fresh waters of the state any boat which is not equipped in compliance with the provisions of this chapter.

Amend RSA 149-A:7 as inserted by section 5 of the bill by striking out same and inserting in place thereof the following:

149-A:7 Suspension of Registration. If, upon said inspection it shall appear that any marine toilet, sink, or shower within or on a boat in operation on fresh waters of the state is so constructed as to permit the discharge of any sewage to a surface water of the state contrary to the provisions of this chapter, the member, agent, or inspector is directed not later than 48 hours thereafter to require from the owner, operator, or any person on board said boat, production and surrender of its certificate and plate of registration. The owner, operator, or any person on board shall have 48 hours from said production and surrender of certificate and plate of registration within which to remedy the defect. If, within said period the defect is remedied, the certificate and registration shall be returned. If, at the expiration of the 48 hours, the defect is not remedied, said member, agent, or inspector shall then endorse in ink upon said certificate of registration a brief statement of the nature of the violation and shall forward it forthwith by mail or in person to the department of safety, division of motor vehicles, where it shall be held by said division until receipt of written authority from the water supply and pollution control commission for its return. Such authority shall include a statement that the specified violation has been remedied in accordance with the provisions of this chapter and the rules of the water supply and pollution control commission adopted under this chapter.

Amend the bill by striking out section 6 and inserting in place thereof the following:  
6 Effective Date. This act shall take effect upon its passage.

#### COMMITTEE REPORTS (Regular Calendar)

HB 311-FN, making an appropriation to the water supply and pollution control commission. Ought to Pass.

This bill authorizes an appropriation to the water supply and pollution control commission to settle a personnel commission ruling. Vote 18-0. Rep. Paul I. LaMott for Appropriations.

Ordered to third reading.

SB 2, relative to the child care act and termination of parental rights. Majority: Ought to Pass. Minority: Ought to Pass with Amendment.

MAJORITY: The majority of the Committee feels this is a bill that will do a great deal to prevent abuse of children, not only by parents, but foster parents, guardians, live-in mates and anyone in charge of children. Governor Gallen appointed the Select Committee of Senators who studied the situation for a year and all testimony was in favor. Vote 16-3. Rep. Emma B. Wheeler for the Majority of Health and Welfare.

MINORITY: This bill opens the way for witch-hunts against parents by well-meaning hysterical individuals. Parents should be entitled to protection of their interest in the sacred relationship between parents and their children. The bill should be amended to bring about protection from hearsay, malicious and prejudiced statements. Rep. Eugene S. Daniell for the Minority of Health and Welfare.

Question being on the Committee report, Ought to Pass.

Rep. Daniell offered an amendment.

#### Amendment

Amend the bill by striking out section 9 and inserting in place thereof the following:

9 Transfer of Legal Custody. Amend RSA 169-C by inserting after section 19 the following new section:

169-C:19-a Transfer of Legal Custody. Notwithstanding any other provision of law to the contrary, no court shall order the transfer of legal custody of a child without the consent of the parents unless a full disclosure of all records relative to the case has been made to the parents or their attorneys and unless, after such disclosure, the parents have been given an opportunity to be heard pro se or by their attorneys at a hearing of which they have been given proper notice.

10 Disclosure of Records. Amend RSA 170-C by inserting after section 9-a the following new section:

170-C:9-b Disclosure of Records. Notwithstanding any other provision of law to the contrary, no court shall order the



termination of parental rights without the consent of the parents unless a full disclosure of all records relative to the case has been made to the parents or their attorneys and unless, after such disclosure, the parents have been given an opportunity to be heard pro se or by their attorneys at a hearing of which they have been given proper notice.

11 Protective Custody. Amend RSA 169-C:6, IV (supp) as inserted by 1979, 361:2 by striking out said paragraph and inserting in place thereof the following:

IV. The court shall hold a hearing on the matter within 24 hours of taking the child into protective custody, Sundays and holidays excluded. Notice shall be given to all parties designated by the petitioner or the court, and a full disclosure of all records relative to the case shall be made to the child's parents prior to the hearing.

12 Effective Date. This act shall take effect 60 days after its passage.

Rep. Daniell spoke to the amendment and yielded to questions.

Reps. Emma Wheeler, Nighswander and Head spoke against the amendment.

Rep. Elmer Johnson spoke in favor of the amendment.

Rep. Townsend moved the previous question. Sufficiently seconded. Adopted.

Rep. Daniell requested a roll call. Sufficiently seconded.

(Speaker presiding)

YEAS 112 NAYS 235

YEAS 112

BELKNAP: Bolduc, Gary Dionne, Golden, Robert Hawkins, Matthew Locke and David Whittemore.

CARROLL: Dickinson and Saunders.

CHESHIRE: Barber, Crane, Galloway, Gordon, Elmer Johnson, Kennedy, Lane, Miller, Perry and William Riley.

COOS: Oleson and Valliere.

GRAFTON: Blair, Christy, Duggan, Easton, McAvoy and Stewart.

HILLSBOROUGH: Ahlgren, Boutwell, Crotty, Donovan, Durant, Grasso, Walter Healy, Humphrey, Jean, Evelyn King, John Lawrence, Leclerc, Roland Lemire, Levesque, Morrisette, O'Rourke, Paradis, Quinn, Reidy, B. P. Smith, Talbot, Turgeon, Vachon, Geraldine Watson, Robert Wheeler, M. Arnold Wight, Lucille Wood and Zajdel.

MERRIMACK: Anderson, Bibbo, Bowes, Daniell, Degnan, LaBranche, McDonnell, Mercier, Pannell, Parrish, Walter Robinson, Shepard, Gerald R. Smith, Lawrence Sullivan and James Whittemore.

ROCKINGHAM: Ames, Bangs, Beliveau, Blake, Blanchard, Connors, Cressy, Danderson, Drake, Ellyson, Gregorio, Hollingworth, Kane, LoFranco, Longworth, Malcolm, McLane, Newell, Newman, Popov, Romoli, Sloan, Splaine, Stork and Walker.

STRAFFORD: Appleby, Blouin, Chagnon, Couture, Albert Dionne, Donnelly, Fielding, Robert Jones, Kincaid, Lussier, Musler, Gerald L. Smith and Franklin Torr.

SULLIVAN: Brodeur, Carlson, Converse, Cutting and D'Amante.

NAYS 235

BELKNAP: Birch, Bowler, Dexter, French, Hardy, Holbrook, Lamprey, Nighswander, Pearson, Randall, Sanders and Zeckhausen.

CARROLL: Ashnault, Chase, Heath, Robert Holmes, Hraba, Kenneth MacDonald, McIntire, Murphy and Powers.

CHESHIRE: Boulter, Eugene Clark, Davis, Daniel Eaton, Eisengrein, Grodin, Hickey, Matson, David Meader, Michaelides, Parker, Perkins, Scranton and William Sullivan.

COOS: Harold Burns, Chappell, Chardon, Guay, Horton, David King, Langley, George Lemire and Theriault.

GRAFTON: Chambers, Copenhaver, Crory, Densmore, Downing, Driscoll, Girouard, Harnish, Michael King, Wayne King, LaMott, Logan, Rounds, Stevens, Taffe, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Abrams, Dehora Ahern, Richard Ahern, Ahrens, Arnold, Arris, Baker, Bergeron, Bolan, Brack, Burkush, John Burns, Leslie Burns, Carragher, Cote, Craig, Cronin, William Dion, Duffett, Duprey, Clyde Eaton, Joseph Eaton, Fields, Ford, Fried, Gagnon, Galway, Grip, Harrington, George Hawkins, Head, Hendrick, Thomas Hynes, Kashulines, Katsiaticas, Keefe, Robert Kelley, Knight, Lynde, Lyons, Martineau, Howard Mason, McGlynn, Migneault, Nelson, Nute, Parmenter, Marjorie Peters, Pressly, Raiche, Peter Ramsey, Resch, Robie, Ellen-Ann Robinson, Roy, Russell, Sallada, Silva, Soucy, Spirou, Steiner, Stylianos, James Sullivan, Mary Sullivan, Sylvia, Tamposi, Wagner, John Wallace, Ware, Harold Watson, Wells, Emma Wheeler, Kenneth Wheeler, James J. White, Eleanor Whittemore and Winn.

MERRIMACK: Bardsley, Laurent Boucher, Chynoweth, Samuel Clark, Dean, Gross, Mary Holmes, Jacobson, Kidder, Kinhan, Arthur Locke, Nichols, Phelps, Doris Riley, William Roberts, Rogers, Savaria, Stark, Stio, Trombly, Underwood and Wallner.

ROCKINGHAM: Belanger, Benton, Blaisdell, Blanchette, William Boucher, Burdick, Butler, Campbell, Carpenito, Case, Cotton, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Greene, Joslyn, Katsakiores, Glenden Kelley, Roger King, Kozacka, Krasker, Leslie, Lovejoy, Joseph MacDonald, Mace, Robert Mason, William Moore, Nagel, Nevins, Palumbo, Pantelakos, Parr, Pevear, Quimby, Rosencrantz, Schmidtchen, Schwaner, Sherburne, Skinner, Sochalski, Sytek, Tavitian, Tufts, Vartanian, Warburton, Webster, Raymond Wood and Woodward.



STRAFFORD: Banks, Bernard, Bouchard, Chamberlin, Demers, Dingle, Flynn, Hennessey, Hussey, Joos, Paul Meader, Pelley, Francis Robinson, Sackett, Schreiber and Whiting.

SULLIVAN: Flint, Gray, Ingram, Irwin, Paul Johnson, Palmer, Reney and Townsend, and the amendment lost.

Ordered to third reading.

SB 38, making an appropriation for an addition to the New Hampshire voc-tech college in Nashua. Ought to Pass.

The majority of the Committee felt that in view of the vast amount of hi-tech industry located in this section of the state that proposed expansion of the Nashua Voc-Tech is of the utmost importance to the economy of the state. Vote 12-2. Rep. Francis X. Donovan for Public Works.

Referred to Appropriations.

SB 84, making a capital appropriation for the Manchester access ramp project. Ought to Pass with Amendment.

The majority of the Committee felt that in view of the continued growth of this area that the early completion of this access ramp should be a priority. Vote 8-6. Rep. Francis X. Donovan for Public Works.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Appropriation. Amend 1981, 58:1 by striking out said section and inserting in place thereof the following:

58:1 Appropriation. The sum of \$6,650,000 is hereby appropriated to the department of public works and highways for the construction of a north bound access ramp in Manchester from I-293 to Granite street; provided that the city of Manchester shall certify to the governor and council that \$6,200,000 of federal money is available to the Granite street redevelopment project.

2 Bonds. Amend 1981, 58:2 by striking out in line 4 the number "6,000,000" and inserting in place thereof the following (6,650,000) so that said section as amended shall read as follows:

58:2 Bonds Authorized. To provide funds for the total appropriation of state funds made available in section 1 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$6,650,000 and for said purpose may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A.

3 Payments. Amend 1981, 58:3 by striking out in line 1 the number "5,000,000" and inserting in place thereof the following (5,650,000) so that said section as amended shall read as follows:

58:3 Payments. The payment of principal and interest on \$5,650,000 of the bonds and notes issued for the project in section 1 shall be made when due from the central New Hampshire turnpike sinking fund and the payment of principal and interest on \$1,000,000 of the bonds and notes issued for the project in section 1 shall be made when due from the highway fund.

4 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Referred to Appropriations.

SB 85, making a capital appropriation for a south bound return ramp at Granite street from I-293 in the city of Manchester. Inexpedient to Legislate.

The majority felt that the state does not have at this time the funds to finance this project, taking into consideration other commitments already made, throughout the state, and the additional monies required to finish a previously funded ramp in Manchester improperly designed originally. Vote 10-4. Rep. Charles M. Nute for Public Works.

Rep. Brack moved that the words, Refer for Interim Study, be substituted for the Committee report, Inexpedient to Legislate, and spoke to her motion.

Rep. Bibbo spoke to the motion.

Adopted.

Referred for Interim Study.

HB 209, relative to repairs to the state house and railroad line improvements. Ought to Pass with Amendment.

The Committee felt that the repair of the State House roof is urgently needed to maintain the building's continued upkeep. The railroad section is for rehabilitation and maintenance of several lines within the state in the best interests of the State's economy. Vote 19-0. Rep. Paul I. LaMott for Appropriations.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 State House Improvements. Amend 1981, 99:1, III as amended by 1982, 38:3 by striking out said paragraph and inserting in place thereof the following:

### III. Public Works and Highways

A. Traffic division facility  
(appropriation to be from the highway fund)

(1) Building and site work	1,633,558
(2) Equipment	10,000*
(3) Architectural and engineering fees	25,000

B. Repair state house roof 145,000

Total paragraph III \$ 1,813,558

2 Total State Appropriation Amended. Amend the total state appropriation section one of 1981, 99:1 as amended by 1982, 38:3 by striking out said appropriation and inserting in place thereof the following:

Total state appropriation section  
one \$16,355,837

3 Bond Total Amended. Amend 1981, 99:4 as amended by 1982, 38:4 by striking out said section and inserting in place thereof the following:

99:4 Bonds Authorized. To provide funds for the total of the appropriations of state funds made in section one of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$16,355,837 and for said purposes may issue bonds and notes in the name and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A; provided, however, that the bonds issued for the purpose of paragraphs I A (2), I B (2), III A (2), and IV A (2) of section one of this act shall have a maturity of 5 years from the date of issue.

4 Railroad Branch Lines. Amend 1981, 568:59 by striking out said section and inserting in place thereof the following:

568:59 Expenditure Restricted. Notwithstanding 1981, 350:4 or any other provision of law to the contrary, transfers from the special railroad fund shall be made to PAU 04,03,02 (public works and transportation division, transportation division) in 1981, 568:1 as amended by 1982, 42:1 for debt service and for subsidies to state-owned railroads and support of the railroad division. In addition, \$1,000,000 from said special railroad fund shall be reserved and a separate account shall be established by the comptroller for the maintenance and rehabilitation of the Conway branch line. The \$1,000,000 in fund 30, agency 96, division code 990039, class 92 established by the comptroller for the maintenance and rehabilitation of the Cheshire or Ashuelot branch line shall be transferred to accounts to be established by the comptroller. In such new accounts, funds shall be allocated as follows: \$300,000 shall be allocated to the Doolittle-Fort Hill branch line from the northerly Connecticut river crossing to Dole Junction and to the Ashuelot branch line in the Hinsdale area, including the line as it extends to mile post 5.20 approximately 100 feet north of the Winchester paper switch or to each point as necessary to provide service to the A.C. Lawrence Leather Company and, for the remaining \$700,000, the first priority shall be the maintenance and rehabilitation of the line from Wilton to Bennington. The second priority shall be for maintenance and rehabilitation of the Claremont and Concord railroad line in Claremont. After those priorities have been met, moneys remaining in the account shall be used for the maintenance and rehabilitation of the Ashuelot branch line or the Cheshire branch line or both.

5 Effective Date. This act shall take effect upon its passage.

Rep. LaMott yielded to questions.  
Amendment adopted.  
Ordered to third reading.

SB 57, relative to the authority of selectmen over certain police budgets. Ought to Pass with Amendment.

The Committee felt that the original bill was better than the Senate amended version, and thus amended the bill to the original version. In essential detail, the bill provides that the selectmen act as a police commission where there is no such appointed commission. Vote 12-0. Rep. Alf E. Jacobson for Municipal and County Government.

Rep. Daniel Eaton moved that the words, Refer for Interim Study, be substituted for the Committee report, Ought to Pass with Amendment, and spoke to his motion.

Reps. Lamprey and Jacobson spoke in favor of the motion.

Adopted.  
Referred for Interim Study.

SB 94-FN, relative to property tax exemptions. Inexpedient to Legislate. The Committee felt this bill would erode the local government's tax base. The bill has ramifications beyond testimony heard. The bill, if it became law, could put local taxpaying businesses at a disadvantage. Vote 12-0. Rep. David M. Perry for Municipal and County Government.

Rep. Lamprey moved that the words, Refer for Interim Study, be substituted for the Committee report, Inexpedient to Legislate, and spoke to his motion.

Adopted.  
Referred for Interim Study.

#### INTRODUCTION OF GUEST

Philip Taylor, guest of Reps. Chambers and Peter Ramsey.

Rep. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourn today it be to meet Thursday, June 2 at 1:00 p.m.

Adopted.

#### LATE SESSION

Third reading and final passage

HB 207, making an appropriation to enable the New Hampshire hospital to purchase electrical power.

HB 209, relative to repairs to the state house and railroad line improvements.

SB 108, relative to the powers of the board of education of the union school district of Keene, subject to approval by local referendum.

SB 29, relative to the department of centralized data processing.

SB 135, to permit town workers who are members of the New Hampshire retirement system to withdraw from the system without jeopardizing the membership of other town workers in the system.

SB 171, relative to the board of registration in medicine and the terms of certain positions at New Hampshire hospital.

SB 136-FN, relative to indexing trustee process.

SB 211, relative to bad checks.

SB 149, authorizing the disposition of land and buildings occupied by the United States National Guard armory in the city of Manchester, New Hampshire.

SB 103, relative to disposal of sewage and other wastes from boats.

HB 311-FN, making an appropriation to the water supply and pollution control commission.

SB 2, relative to the child care act and termination of parental rights.

Rep. Rounds moved that the House stand in recess for the purpose of Introduction of Bills and Enrolling Reports only.

Adopted.

The House recessed at 3:20 p.m.

#### RECESS

(Rep. Townsend in the Chair)

#### ENROLLED BILLS REPORT

CACR 9, relating to succession to the office of governor and the taking of the oath of office by the governor. Providing that in the event of a vacancy in the office of governor or the incapacity of the governor to perform his duties, the president of the senate, speaker of the house, secretary of state and state treasurer, in that order, shall be acting governor until the vacancy is filled or the incapacity removed; that if a vacancy in the office of governor for the remainder of the governor's term occurs before the commencement of the last year of his term, a special election for governor shall be held; that the incapacity of the governor shall be determined by his written declaration or by judgment of the supreme court; that the office of governor may be declared vacant by the general court when the governor or governor-elect has been incapacitated for a period of 6 months; and that a justice of a New Hampshire court shall administer the oath of office to a newly-elected governor.

SB 51, holding evaluation committee members harmless for certain actions in regard to degree granting authority.

SB 99, amending the charters of the university system of New Hampshire and Mary Hitchcock hospital.

SB 101, relative to the flash point of kerosene or similar illuminating or fuel oils.

SB 122, permitting the operation of retail fuel oil delivery trucks by persons 18 years of age or older.

SB 126, relative to the number of signatures for a representative election for public employees.

SB 155, relative to a lump sum payment to Ronald C. Broderick.

SB 172, relative to the manner of election for secretary of state and state treasurer.

HB 122, relative to sunset review of the higher education fund - U.N.H. continuing education.

HB 192, establishing a study committee on property tax exemptions for the elderly, amending the residential real estate tax exemption for the elderly and making other minor changes in RSA 72.

HB 608, providing for financial disclosure by applicants for and recipients of public assistance.

HB 841, requiring providers of medical services to furnish itemized statements to both recipients of such services and any third party payers.

SB 180, relative to senate redistricting.

SB 199, authorizing the city of Manchester to phase in the optional fiscal year in 3 years, to establish a central business district revitalization reserve fund and to establish a parking facilities reserve fund.

Rep. Francis Donovan

Sen. John P.H. Chandler, Jr.

For the Committee.

#### RECESS

(Rep. LaMott in the Chair)

Their introduction being approved by the Rules Committee, Rep. Kidder offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bills numbered 89, 125, 25, 161, 220, 156, 213, 52 and 173, shall be by this resolution read a first and second time by the therein listed titles, and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF SENATE BILLS

First, second reading and referral

SB 89, relative to the fish and game department. (Appropriations)

SB 125, relative to the department of fish and game obtaining rights of way or access to certain bodies of water in the state and making an appropriation therefor. (Appropriations)

SB 25-FN, relative to the issuance of state bonds and notes. (Appropriations)

SB 161-FN, relative to the method of operation of the state liquor commission warehouse. (Appropriations)

SB 220-FN, providing for the calling of a constitutional convention and making an appropriation therefor. (Appropriations)

SB 156, providing an incentive for public and private postsecondary educational institutions to attract out-of-state

students, and making an appropriation therefor. (Appropriations)

SB 213-FN, to provide for the licensing and regulation of water well contractors and pump installers and for the furnishing of well and pump records to the state and making an appropriation therefor. (Appropriations)

SB 52, relative to occupational and health safety programs. (Appropriations)

SB 173-FN, relative to the New Hampshire port authority and making an appropriation therefor. (Appropriations)

#### RECESS

(Rep. Rounds in the Chair)

Their introduction having been approved by the Rules Committee, Rep. Warburton offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill number 850 and House Bill of Intent number 2008, shall be by this resolution read a first and second time by the therein listed titles, sent for printing, and referred to the therein designated committees.

Adopted.

#### INTRODUCTION OF HOUSE BILL AND HOUSE BILL OF INTENT First, second reading and referral

HB 850-FN, establishing a department of commerce. (Executive Departments and Administration)

HBI 2008, relating to further study of planning and zoning laws. (Municipal and County Government)

#### RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn. Adopted.

# HOUSE JOURNAL 27

*Thursday, 2 Jun 83*

The House assembled at 1:00 p.m., and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

Dear God, we are people of many concerns. We have left home, family and job to be here this day. While we are apart from them, we lift them in our prayers for Your caring. May our work this day be such that when we return home tonight we will have the rest of honest and faithful laborers. Amen.

Rep. Howard Mason led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Mann, Waldron, Stimmell, Drewniak, Wagnier, Chisholm, Drake and Coulombe, the day, illness.

Reps. Wells, Van Loan, Ware, Vartanian, Charbonneau, Thomas Gage, Stevens, Arthur Locke, Anderson, Gregorio, Stylianos, Randall, Michael Jones and Bolan, the day, important business.

Rep. Flynn, the day, death in family.

## INTRODUCTION OF GUESTS

Angela Robinson and Dr. and Mrs. William Klare, wife and guests of Rep. Walter Robinson.

## SENATE MESSAGES CONCURRENCE

HB 684-FN, relative to responsibility for the payment of accrued liability by political subdivisions and certain specialized schools which withdraw from the retirement system.

HB 693-FN, relative to returning retirement system members' accumulated contributions.

HB 767-FN, relative to disability retirement benefits, constant lifetime allowances, and notifying predecessor system members of their eligibility to receive retirement system benefits.

HB 783, relative to collective bargaining by state employees.

HB 476-FN, relative to the retirement allowance for early retirees.

HB 613-FN, increasing the rate of the delinquent account penalty which is assessed by the retirement system board of trustees.

HB 615-FN, permitting benefit payment deductions for group carriers other than Blue Cross and relative to the payment of actuarial fees.

HB 617-FN, relative to employee benefits after his employer's withdrawal from the retirement system.

HB 244-FN, to provide additional funds for the purchase of alcohol breath testing equipment and supplies.

HB 118-FN, relative to sunset review of the higher education fund - U.N.H. Durham.

HB 121-FN, relative to sunset review of the higher education fund - Merrimack Valley Branch.

HB 747, permitting victims or their next of kin to appear and speak at parole hearings and modifying notice of parole hearing requirements.

HB 100, relative to sunset review of the legislative budget assistant - budget and support.

HB 101, relative to sunset review of the legislative budget assistant - special services, post audit.

HB 103, relative to sunset review of administration and control - division of special disbursements.

HB 105, relative to sunset review of state treasury - administration.

HB 106, relative to sunset review of state treasury - trust funds.

HB 107, relative to sunset review of state treasury - special fund distribution.

HB 108-FN, relative to sunset review of the safety department - state overhead charges.

HB 416-FN instituting an automated information system for the state library.

HB 729, relative to the naming of children on birth certificates.

HJR 3, to authorize a more comprehensive program to conserve the water resources of the state.

HB 89-FN, relative to resident taxes and the wildlife management collection program.

HB 254-FN, relative to a resident commercial salt water fishing license.

HB 322-FN, providing for the acquisition of a certain dam and water rights by the fish and game department and making an appropriation therefor.

HB 331-FN, relative to weights and measures.

HB 369-FN, relative to the exportation of livestock, poultry and the grading, marking and sale of eggs.

HB 837-FN, providing for state aid to municipalities constructing storm drains under certain conditions.

HB 574, relative to an underground utility damage prevention system.

HB 598, relative to the establishment of a state park on state-owned land in the city of Laconia in honor of all former governors of the state.

HB 611-FN, relative to regulation of spraying residential neighborhoods with hazardous pesticides.

HB 135-FN, relative to sunset review of administration and control - division of graphic services.

HB 566, recodifying the controlled drug laws.



HB 642-FN, relative to the appointment of guardians for persons admitted for in-patient treatment on an involuntary basis.

HB 657, relative to the administrative procedures act.

HB 394-FN, amending various provisions of the motor vehicle laws.

HB 407, to update certain sections of the motor vehicle road toll laws.

HB 481-FN, enabling the state to enter the regional fuel tax agreement.

HB 713, relative to the felonious use of teflon-coated armor-piercing and exploding bullets.

HB 156-FN, relative to sunset review of the department of resources and economic development - administration and support.

HB 159-FN, relative to sunset review of Centralized Data Processing - data processing operation.

HB 161-FN, relative to sunset review of Centralized Data Processing - systems development.

HB 162-FN, relative to sunset review of Centralized Data Processing - agency reviews.

HB 492, relative to the election of representatives to the general court and delegates to state conventions from Nashua.

HB 737, relative to the election of representatives to the general court and the election of delegates to state party conventions from the city of Concord.

HB 148-FN, placing the workmen's compensation review commission for state employees under the jurisdiction of the comptroller.

HB 237, relative to employment termination.

HB 411, relative to the public employee labor relations board.

HB 599-FN, modifying the definition of "most recent employer."

#### NONCONCURRENCE

HB 347, providing funds for expenditures made by the department of fish and game for search and rescue missions and making an appropriation therefor.

HB 636, relative to internal investigation files on law enforcement officers.

HB 637, making written policy directives to police officers inadmissible in certain civil actions.

HB 755, relative to county attorneys.

HB 410-FN, creating a commission to study alternative procedures for the resolution of marital questions.

HB 535-FN, relative to the payment of wages to an employee who reports to work at the request of his employer.

HB 634-FN, relative to the practice of chiropractic.

HB 769, establishing a New Hampshire public employee safety act.

HB 32-FN, relative to the suspension of penalty assessment payments to the police standards and training fund.

HB 340, establishing a judicial selection commission to recommend at least 3 candidates for all judicial appointments.

HB 68, eliminating the protection for the common feral pigeons and increasing the protection of seals.

HB 801-FN, clarifying the power of the commission for human rights to order the payment of reasonable attorney's fees.

#### REFERRED FOR INTERIM STUDY

HB 385-FN, limiting the services the fish and game department may supply to certain private ponds that do not have public access.

HB 420, relative to the change in the use of buildings built for residential or commercial use.

HB 742, relative to solar energy and alternative energy sources.

HB 201-FN, relative to the training of dogs.

HB 359, transferring administration of old age and survivors insurance from the division of welfare to the state treasurer.

HB 78-FN, increasing the limits on summary administration of small estates.

HB 548, relative to annulment of records of conviction and sentence for certain offenders.

HB 738-FN, permitting the town of Clarksville to expend tax revenues for the plowing of certain private driveways.

HB 756, relative to administrative inspection warrants.

#### CONCURRENCE WITH HOUSE AMENDMENTS

SB 211, relative to bad checks.

SB 178, eliminating the filing fee for proposed delegates of presidential candidates to the national convention.

SB 136, relative to indexing trustee process.

SB 108, relative to the powers of the board of education of the union school district of Keene, subject to approval by local referendum.

SB 103, relative to disposal of sewage and other waste from boats.

SB 198, relative to the regulation of barbers and cosmetologists.

#### REQUESTS CONCURRENCE WITH AMENDMENT

HB 739, relative to the cancellation and refusal to renew insurance policies.

(amendment printed SJ 5/26)

Rep. Rounds moved that the House concur. Adopted.

HB 761, relative to prepayment of installment sales agreements. (amendment printed SJ 5/26)

Rep. Rounds moved that the House concur. Adopted.

HB 811, relative to the protection of tenants in conversion of rental units.

(amendment printed SJ 5/24)

Rep. Rounds moved that the House concur. Adopted.

HB 423, relative to expenditure of funds by libraries. (amendment printed SJ 5/24)

Rep. Lamprey moved that the House concur. Adopted.

HB 507-FN, relative to the collection of taxes. (amendment printed SJ 5/19)  
Rep. Lamprey moved that the House concur.  
Adopted.

HB 757, establishing a state fire code.  
(amendment printed SJ 5/26)  
Rep. Benton moved that the House concur.  
Adopted.

HB 751, relative to employee access to personnel files. (amendment printed SJ 5/26)  
Rep. Skinner moved that the House concur.  
Adopted.

HB 578, creating a joint legislative committee to study the feasibility of merging all unincorporated places with abutting towns. (amendment printed SJ 5/26)  
Rep. Lamprey moved that the House concur.  
Adopted.

HB 645, relative to certificate of need. (amendment printed SJ 5/26)  
Rep. Head moved that the House concur.  
Adopted.

HB 621, limiting library commissioners to 2 terms. (amendment printed SJ 5/24)  
Rep. Carragher moved that the House concur.  
Adopted.

HB 589, requiring declarations of candidacy for candidates for the office of president and vice-president. (amendment printed SJ 6/1)  
Rep. Flanagan moved that the House concur.  
Adopted.

HB 725-FN, relative to limited electrical energy producers. (amendment printed SJ 5/24)  
Rep. M. Arnold Wight moved that the House concur.  
Adopted.

HB 454, permitting group II members who reach age 65 to make an election for retirement benefits. (amendment printed SJ 5/26)  
Rep. Ward moved that the House nonconcur and request a Committee of Conference.  
Adopted.  
The Speaker appointed Reps. Ward, Chynoweth, Gregorio and Margaret Ramsay.

#### NONCONCUR WITH AMENDMENT REQUESTS COMMITTEE OF CONFERENCE

SB 204, relative to county commissioner districts in Coos County.  
The President appointed Sens. Stabile, Bartlett and Bergeron.  
Rep. Flanagan moved that the House accede.  
Adopted.  
The Speaker appointed Reps. Flanagan, McAvoy, Harold Burns and James J. White.

#### ACCEDES REQUEST FOR COMMITTEE OF CONFERENCE

HB 626, permitting deductions for qualified charitable and research contributions from the business profits tax.  
The President appointed Sens. Blaisdell, Freese and McLane.

HB 648, relative to smoke detectors in rental units.  
The President appointed Sens. Podles, Kelly and Stephen.

HB 294, providing for a method of protection of the groundwater of the state and establishing a water resources management program.  
The President appointed Sens. Wiggins, Poulsen and Preston.

HB 430, providing filing fees for the construction or reconstruction of dams and making an appropriation therefor.  
The President appointed Sens. Wiggins, Freese and Preston.

#### CONFERE CHANGE

HB 430-FN, providing filing fees for the construction or reconstruction of dams and making an appropriation therefor.  
Rep. Dickinson replaces Rep. Woodward.

Rep. Rounds moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

SB 144, relative to the illegal purchase of alcoholic beverages by underage persons, was removed at the request of Rep. Ellyson.

SB 145, relative to licensee and permittee violations of certain liquor commission laws and rules, was removed at the request of Rep. D'Amante.

SB 131, relative to certain retirement pay and unemployment compensation benefits, was removed at the request of Rep. Newman.

HBI 2003, relating to the costs of search and rescue missions in the White Mountains, was removed at the request of Rep. Ingram.

SB 72-FN, relative to transferring necessary rights and easements in and to certain dams to the water resources board, was removed at the request of Rep. Dickinson.  
Adopted.

#### COMMITTEE REPORTS (Consent Calendar)

SB 143-FN, making several changes in the criminal law and relative to the suspension of a person's driver's license or driving privilege for failure to appear or pay a fine. Ought to Pass.  
This bill is designed to collect the substantial amount of unpaid fines on the courts' books. Funding for administrative expenses will be derived

from the Highway Surplus Account. Vote 15-1. Rep. Rowland H. Schmidtchen for Appropriations.

SB 152-FN, granting authority to the office of state planning to accept and expend community development block grant funds. Ought to Pass.

This bill authorizes the Office of State Planning to administer the Small Cities Community Development Block Grant Program. It provides for continuing the programs of five cities and towns which have received prior funding commitments from the United States Department of Housing and Urban Development. Federal funding is \$7,000,000. HB 500 contains the state's portion. Vote 19-0. Rep. Rowland H. Schmidtchen for Appropriations.

SB 112, relative to the establishment of jurisdiction over certain health insurers. Ought to Pass with Amendment.

This bill was requested by the Insurance Department to make sure they have jurisdiction over all insurers of health services. The amendment takes care of some questions that came up at the hearing. Vote 16-0. Rep. C. Dana Christy for Commerce, Housing and Consumer Affairs.

#### Amendment

Amend RSA 415:23, I and II as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. Notwithstanding any other provision of law, and except as provided in this section, any person or other entity which provides coverage in this state for medical, surgical, chiropractic, physical therapy, speech pathology, audiology, professional mental health, dental, hospital or optometric expenses, whether such coverage is by direct payment, reimbursement, or otherwise, shall be presumed to be subject to the jurisdiction of the department unless the person or other entity shows that, while providing such services, it is subject to the jurisdiction of another agency of this or another state or of the federal government. The provisions of this section shall not apply to dental service corporations established by 1961, 345 or vision service corporations established by 1969, 614.

II. A person or entity may show that it is subject to the jurisdiction of another agency or department of this or another state or of the federal government by providing to the commissioner the appropriate certificate or license issued by the other governmental agency which permits or qualifies it to provide those services for which it is licensed or certificated.

SB 113, relative to domestic and foreign insurers. Ought to Pass with Amendment.

This bill, requested by the Insurance Department, is essentially a housekeeping measure, implementing some recommendations made during the Sunset Process, removing provisions already

addressed in other sections of the statute, removing a section found by the courts to be unconstitutional, etc. The amendment raises the definition of "accident" found in RSA 412:18-c where personal injury results from \$50 to \$250. Vote 16-0. Rep. B. P. Smith for Commerce, Housing and Consumer Affairs.

#### Amendment

Amend the bill by striking out section 17 and inserting in place thereof the following:

17 Definition of Accident; Dollar Figure Raised. Amend RSA 412:18-c as inserted by 1971, 453:2 as amended by striking out said section and inserting in place thereof the following:

412:18-c Definition. Accident as defined in any automobile insurance rate manual shall mean only an occurrence which results in death, personal injury causing loss in excess of \$250, or damage to any property in excess of \$500, but shall not include an occurrence involving only personal injury or property damage to the applicant or any operator of the automobile currently a resident in the same household, unless the said applicant or operator is convicted of a moving motor vehicle violation in connection with the occurrence.

18 Effective Date. This act shall take effect 60 days after its passage.

SB 115, relative to major medical insurance policies. Ought to Pass with Amendment.

This bill makes possible a "benefits deductible" on individual Major Medical policies. Vote 13-0. Rep. Harold W. Burns for Commerce, Housing and Consumer Affairs.

#### Amendment

Amend RSA 415:6, II(4) as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

(4) A provision in all nongroup policies as follows: Insurance with Other Insurers: If there be other valid coverage, not with this insurer, providing benefits for the same loss on a provision of service basis or an expense incurred basis, payment shall not be prorated or reduced. If such a case, the insured shall be entitled to payment from both insurers. Provided, however, that the provisions of this subparagraph shall not prohibit the issuance of a "benefits deductible" on policies determined by the insurance commissioner as major medical policies. The term "benefits deductible," as used herein, means the value of any benefits provided on an expense incurred basis which are provided with respect to covered medical expenses by any other hospital, surgical or medical insurance policy or hospital or medical service subscriber contract or medical practice or other prepayment plan, or any other plan or program whether on an insured or uninsured basis. Provided, however, that the term "benefits deductible" shall not mean the value of benefits provided with respect to

medical or liability insurance offered under either a general liability insurance policy or an auto insurance policy.

SB 166-FN, relative to enterprise zones. Refer for Interim Study.

The Subcommittee believes this bill has merit, but needs more time to come up with a good bill. Vote 13-0. Rep. Edward J. Allgeyer for Commerce, Housing and Consumer Affairs.

HB 844, providing for a host community siting process for low-level radioactive waste disposal and making an appropriation therefor. Refer for Interim Study.

The Committee is unanimously recommending Interim Study for this legislation. The problem of balancing adequate protection of local concerns, and, at the same time, solving the problem the state faces under the federal mandates and the deadline for action, will not be readily or easily solved. Interim Study will give a chance to examine the Committee's options. Vote 16-0. Rep. Eleanor M. Anderson for Environment and Agriculture.

SB 110-FN, establishing a state historic marker commission. Refer for Interim Study. The Committee felt that the intent of this bill was good; however, recreating the Historical Commission at this time would present many problems. Therefore, further study to draft a more complete bill is needed. Vote 21-2. Rep. Craig A. Downing for Executive Departments and Administration.

SB 164, to provide that the term of the chairman of the liquor commission shall be coterminous with the term of the governor. Ought to Pass with Amendment.

This bill provides that the term of the Chairman of the Liquor Commission shall be coterminous with that of the Governor. In addition, the expiration or termination of the Commission members' term of office as the chair shall in no way affect the length of his term as a Commission member. Finally, the present Chairman shall serve as the chair until June 30, 1985, the point at which the present Chairman's term expires. Vote 21-0. Rep. V. Michael Hutchings for Executive Departments and Administration.

#### Amendment

Amend RSA 176:3 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

176:3 Chairman; Compensation. The chairman of the commission shall be appointed and commissioned as such by the governor with the consent of the council, and his term shall be coterminous with each term of the governor unless his successor shall have been sooner appointed. The expiration or termination of a commission member's term of office as chairman of the commission shall in no way affect the length of his term as a commission member as established under RSA 176:1. The annual

salary of each member of the commission shall be as specified in RSA 94:1-a, and the commissioners shall receive their reasonable expenses while traveling in the performance of their duties, provided that they shall not be allowed as expenses travel between their places of residence and their office in Concord, nor shall they be allowed board or lodging while in Concord.

Amend section 2 of the bill by striking out same and inserting in place thereof the following:

2 Current Chairman. Notwithstanding any other provision of law to the contrary, the term of the present chairman of the state liquor commission as chairman and as a member of the commission shall expire on June 30, 1985.

SB 168, relative to the licensing of alarm installers. Ought to Pass with Amendment.

The Committee felt that creating a new board of alarm installers was too drastic a step at this time. However, the Committee deemed that some type of regulation was needed to protect the public. The amendment provides this protection within the structure of the Electricians' Board. Vote 22-0. Rep. Craig A. Downing for Executive Departments and Administration.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Prohibition; Alarm Installers. Amend RSA 319-C:1 (supp) as inserted by 1975, 485:1 by striking out said section and inserting in place thereof the following:

319-C:1 Electricians.

I. No electrical installation shall be made for compensation unless made by an electrician licensed by the electricians' board except as otherwise provided in this chapter.

II. No alarm installation shall be made for compensation unless made by an alarm installer licensed by the electricians' board except as otherwise provided in this chapter.

2 Definition; Alarm Installer. Amend RSA 319-C:2 by inserting after paragraph I the following new paragraph:

I-a. "Alarm installer" means any person licensed under this chapter to perform the design, installation, repair, alteration and maintenance of all types of intrusion alarm systems, including, but not limited to, burglar or holdup type systems, and fire alarm systems.

3 Exception; Self-installed Alarms. Amend RSA 319-C:3, X (supp) as inserted by 1979, 86:1 by striking out said paragraph and inserting in place thereof the following:

X. Any electrical work and equipment employed in connection with the construction, installation, operation, repair or maintenance of any public highway, including traffic devices thereon by employees of any unit of government having a responsibility for the highway; or an independent contractor employed by any unit



of government installing, constructing or maintaining any conduit or piping for an electrical system associated with a highway;

XI. Any alarm which is designed for self-installation by the purchaser, after the electrical work has been done by a person qualified under this chapter.

4 New Board Member. Amend RSA 319-C:4, I and II (supp) as inserted by 1975, 485:1 as amended by striking out said paragraphs and inserting in place thereof the following:

I. There shall be an electricians' board consisting of 6 members including 2 master electricians, one journeyman electrician, one licensed alarm installer who shall not be a licensed journeyman or master electrician, or an apprentice electrician, and 2 public members, each to be appointed by the governor, with the approval of the council to a term of 5 years. No member of the board shall be appointed to more than 2 consecutive terms. The state fire marshal or his designee shall be an ex officio member of the board but shall not vote in board determinations.

II. Each public member of the board shall be a person who is not, and never was, a member of the electrical trade or the alarm installers trade, or the spouse of any such person, and who does not and never has had, a material financial interest in either the provision of electrical services or an activity directly related to the electrical trade, or in the alarm installer trade, including the representation of the board or trade for a fee at any time during the 5 years preceding appointment.

5 Inspectors. Amend RSA 319-C:5, II (supp) as inserted by 1981, 356:7 by striking out said paragraph and inserting in place thereof the following:

II. An inspector appointed under this section shall have authority to enter any premises in which an electrical or alarm installation subject to rules adopted under RSA 319-C:6-a is being installed, replaced or repaired for the purpose of making such inspection as is necessary to carry out his responsibilities under this section.

6 Quorum. Amend RSA 319-C:6 (supp) as inserted by 1975, 485:1 as amended by striking out said section and inserting in place thereof the following:

319-C:6 Organization and Meetings. The board shall hold at least 4 regular meetings each year, and special meetings may be held at such times as the business of the board may require. Notice of all meetings shall be given in such manner as the rules of the board may provide. The board shall annually elect a chairman, a vice-chairman, and a secretary, who shall be one of the appointed members. A quorum of the board shall consist of not less than 4 members, not including the ex officio member, and at least one of whom shall be a public member.

7 Rulemaking. Amend RSA 319-C:6-a by inserting after paragraph II the following new paragraphs:

II-a. The qualifications for persons, in addition to those requirements established under this chapter, applying for a license to install intrusion alarm systems;

II-b. The qualifications for persons, in addition to those requirements

established under this chapter, applying for a license to install fire alarm systems;

8 Licensing Requirements. Amend RSA 319-C:7 by inserting after paragraph II the following new paragraphs:

II-a. The board shall issue a license as an alarm installer to any person who files an application and meets the following requirements:

(a) Was the holder of a valid alarm installer's license under the laws of this state as of July 1, 1981, or;

(b) Has at least one year of experience working for a person who holds a valid New Hampshire alarm installer's license and has passed a written, or in special conditions, an oral examination conducted and approved by the board.

II-b. If the application is for a license in the category of fire alarms, the applicant shall submit a written recommendation from a fire official and a disinterested person. If the application is for a license in the category of intrusion alarms, the applicant shall submit a written recommendation from a police official and a disinterested person. The police or fire official shall be from the area of the applicant's residence or place of business. If the applicant is applying for both categories of license, he shall submit a written recommendation from a fire official and a police official within the area of the applicant's residence or place of business. The recommendation shall testify to the applicant's personal reputation. The officials may draw on any sources available to them in determining their recommendations. The recommendation shall not be binding on the board.

9 Certificate; Exclusive License.

Amend RSA 319-C:7, III (supp) as inserted by 1975, 485:1 by striking out said paragraph and inserting in place thereof the following:

III. All persons licensed by the board shall receive a certificate under the seal of the board and with the signature of the executive secretary, which must be publicly displayed at the principal place of business of said electrician, or alarm installer, or, if no such place of business, must be carried on his person and displayed at any time upon request, as long as said person continues in the business as herein defined. The certificate shall specify the name of the person licensed who, in the case of a firm, shall be one of the members or employees and, in the case of a corporation, one of its officers or employees passing the examination. In the case of a firm or corporation, the license shall be void upon the death of or the severance from the company of said person.

IV. Nothing in this chapter shall be construed to require an applicant for an alarm installer's license to hold a license as a master or journeyman electrician. Nothing in this chapter shall be construed to require an applicant for a master or journeyman electrician's license to hold an alarm installer's license.

10 Corporate and Partnership Licenses. Amend RSA 319-C:10 (supp) as inserted by 1975, 485:1 as amended by striking out said section and inserting in place thereof the following:



319-C:10 Corporations and Partnerships. The board may issue a license to corporations and partnerships engaged in the business of making electrical installations or alarm installations, provided that one or more officers or employees of any such corporation directly in charge of the business affairs of such corporation, or a member of such partnership directly in charge of its business affairs, is a licensed master electrician or a licensed alarm installer.

11 Hearings. Amend RSA 319-C:12-a (supp) as inserted by 1981, 356:13 by striking out said section and inserting in place thereof the following:

319-C:12-a Hearings.

I. The board shall take no disciplinary action, except for failure to renew a certificate without a hearing. At least 14 days prior to hearing, both parties to a disciplinary proceeding shall be served, either personally or by registered mail, with a written copy of the complaint filed and notice of the time and place for hearing. All complaints shall be objectively received and fairly heard by the board. A hearing shall be held on all written complaints received by the board within 3 months of the date notice of a complaint was received by the accused unless otherwise agreed to by the parties. Written notice of all disciplinary decisions made by the board shall be given to both parties to the proceeding upon their issuance.

II. Disciplinary hearings concerning any licensed alarm installer shall be heard by a special hearing committee rather than the full board. The special hearing committee shall consist of the following board members:

(a) The alarm installer member;

(b) One of the master electrician members, selected by the chairman;

(c) One of the public members, selected by the chairman.

12 Penalties. Amend RSA 319-C:15 (supp) as inserted by 1975, 485:1 as amended by striking out said section and inserting in place thereof the following:

319-C:15 Violations; Penalty.

I. A person shall be guilty of a misdemeanor if a natural person, or a felony if any other person, who:

(a) Makes electrical installations without being licensed under this chapter;

(b) Makes alarm installations without being licensed under this chapter;

(c) Being in the electrical business, employs an unlicensed person, other than an apprentice, to make electrical installations, unless the person or installation is exempted under this chapter;

(d) Wrongfully or fraudulently procures a license under this chapter;

(e) Violates any provision of this chapter or rule adopted by the board.

II. Nothing in this chapter shall prevent a person from making electrical installations in a single family residence occupied by him or to be occupied by him as his bona fide personal abode.

III. Nothing in this chapter shall prevent a person from making alarm installations in a single family residence occupied by him or to be occupied by him as his bona fide personal abode.

13 Effective Date. This act shall take effect July 1, 1983.

SB 175-FN, relative to licensing automotive dismantlers and parts recyclers. Ought to Pass with Amendment.

This bill is relative to salvage certificates of title and salvage vehicle tags to salvage vehicles. The tags will be replaced by a decal which will indicate the salvage vehicles' status. In addition, consumer protection is enhanced by providing that removal, or causing the decal to be removed, will be a misdemeanor under RSA 261:22, V. Vote 18-0. Rep. V. Michael Hutchings for Executive Departments and Administration.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to salvage certificates of title and salvage vehicle decals.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Salvage Certificates of Title; Salvage Vehicle Decals. Amend RSA 261:22, II, III, IV, V and VI as inserted by 1981, 479:18 by striking out said paragraphs and inserting in place thereof the following:

II. Any insurance firm or representative thereof who shall declare a motor vehicle other than an exempt vehicle as provided in RSA 261:3 as having been a total loss shall make application for a salvage certificate of title within 20 days of the total loss payment. Such application shall be accompanied by:

(a) Any certificate of title;

(b) Any other information and documents the director reasonably requires to establish ownership of the vehicle and the existence or nonexistence of security interest in it; and

(c) The required fee of \$5.

III. The department shall file each application received and when satisfied as to its genuineness and regularity and when satisfied that the applicant is entitled to the issuance of a salvage certificate of title shall issue a salvage certificate of title of the vehicle to the owner. The salvage certificate of title shall serve as proof of ownership and shall contain a legend indicating that the vehicle has been declared a total loss. The department may adopt rules relative to the circumstances, if any, under which a salvage certificate of title should reflect any legend pertaining to recovered theft.

IV. If a vehicle upon which a salvage certificate of title has been issued

by the department after the vehicle has been declared a total loss because physically or economically impractical to repair is rebuilt and restored for highway operation, the owner shall not apply for title or registration again until the vehicle has been inspected by the director or his authorized representative. The inspection of the vehicle shall include verification of the vehicle identification number and bills of sale or titles for major component parts used to rebuild the vehicle. The department shall also issue a decal bearing the legend "salvage vehicle" which the title bureau investigator shall affix to the vehicle on the rear of the left front door post. Each "salvage vehicle" decal shall include a statement indicating that removing the decal or causing the decal to be removed is a misdemeanor under RSA 261:22, V.

V. It shall be a misdemeanor for any person to remove or cause to be removed a "salvage vehicle" decal from a motor vehicle to which it has been affixed pursuant to paragraph IV. A bona fide purchaser for value of a motor vehicle from which the seller has removed or caused to be removed a "salvage vehicle" decal in violation of this paragraph may rescind the purchase within 3 business days after receiving a certificate of title disclosing that the vehicle is a salvage vehicle.

VI. For purposes of this section, a total loss vehicle shall mean either an unrecovered stolen vehicle or one which has sustained damage or injury so extensive that it is physically or economically impractical to repair.

2 Effective Date. This act shall take effect 60 days after its passage.

SB 59-FN, placing a surcharge on all hunting licenses to establish a deer management program. Refer for Interim Study.

The Committee feels this bill needs further study as it would increase hunting license fees by \$3.00 and the Committee plans to study fees in the future. Vote 17-1. Rep. Laura Pantelakos for Fish and Game.

SB 55, relative to shooting human beings while on a hunting trip or shooting in the woodlands. Ought to Pass with Amendment.

This bill, as amended, brings the penalties under the Fish and Game statutes into conformity with those under the criminal code. Vote 11-3. Rep. Donna P. Sytek for Judiciary.

#### Amen dment

Amend RSA 207:37 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

207:37 Shooting Human Beings. Any person who, while on a hunting trip, or in pursuit of wild animals or wild birds, negligently shoots and wounds any human being shall be guilty of a misdemeanor; if said person negligently shoots and kills any human being, he shall be guilty of a class B felony; and, in addition thereto in either case, his license shall be revoked and he shall not be granted a license to hunt for a

period of 10 years. After 10 years from the date of revocation, his license to hunt may be restored at the discretion of the executive director and the commission. Any person while in woodlands as defined in RSA 207:33 who negligently shoots and wounds or kills any human being shall not be issued a license to hunt; or, if he holds a hunting license, said license shall be revoked and he shall not be granted a license to hunt for a period of 10 years. After 10 years from the date of revocation, he may be granted a license to hunt at the discretion of the executive director and the commission. Persons convicted of shooting and wounding or killing a human being while hunting in another state shall not be issued a license to hunt in this state for a period of 10 years from the date of conviction in such other state.

3 Abandoning a Wounded Person. Amend RSA 207:38 (supp) as amended by striking out said section and inserting in place thereof the following:

207:38 Abandoning a Wounded or Killed Human Being. Any person who knows that he has shot and wounded or killed a human being as set forth in RSA 207:37 shall forthwith render necessary assistance to the injured person and report immediately to the nearest conservation officer or law enforcement officer giving his name, address, date of birth, hunting license number and any other information needed to identify that person. Upon conviction of violation of the provisions of this section, the person shall be guilty of a class B felony and his license to hunt shall be revoked for life. The penalty for conviction under this section shall be in addition to any penalty imposed under RSA 207:37.

SB 158, relative to the good samaritan law regarding hazardous waste. Inexpedient to Legislate.

The existing statute provides adequate protection for those who assist in good faith with respect to hazardous waste and this bill, as amended in the Senate, would reduce some of this protection. Vote 16-0. Rep. Frank J. Sylvia for Judiciary.

SB 208, relative to business corporations. Ought to Pass.

The Committee agreed this bill provides some necessary technical corrections to the Business Corporations Act. Vote 16-0. Rep. Kendall W. Lane for Judiciary.

SB 75, relative to workmen's compensation for part-time members of police department. Refer for Interim Study.

This bill originally came to the floor Inexpedient to Legislate (9-8) and it was recommitted. The issue in this bill is currently before the Supreme Court. To pass anything at best could be unnecessary and, at worst unduly complicating. Also there are elements which treat persons in an uneven manner. Vote 12-0. Rep. Calvin Warburton for Labor, Human Resources and Rehabilitation.

SB 97-FN, relative to the senate clerk.  
Ought to Pass with Amendment.

The majority of the Committee agrees that the current clerk should be included in the State Retirement System, but believes he should contribute into the retirement fund. His contribution, back to the day of eligibility, plus interest would have been \$16,933. During this period his pay increases did not reflect the pay increases enjoyed by other state employees because he was a per diem employee. The shortfall in income that resulted from this discrepancy amounted to approximately \$12,999. The Committee feels that a lump sum contribution of \$4,000 would be appropriate; a member of the Senate has offered an amendment to that effect. Vote 14-0. Rep. Beverly A. Gage for Legislative Administration.

#### Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Current Senate Clerk. The person holding the position of senate clerk on the effective date of this act shall be construed to be a full time legislative employee and shall remain eligible for all fringe benefits as provided for full time employees for as long as he holds the position of senate clerk. For the purposes of RSA 14:19, II, the person holding the position of senate clerk on the effective date of this act is deemed to have been working in such position in a full time capacity since July 31, 1976. In order to obtain the benefits under RSA 14:19, II, the person holding the position of senate clerk on the effective date of this act shall, in addition to the contribution requirements of RSA 14:19, II, contribute an amount equal to \$4,000 to the New Hampshire retirement system, representing the employee share of the group I assessment for his prior service.

Referred to Appropriations.

SB 186-FN, relative to the sunset termination date of the joint legislative committee on review of agencies and programs. Inexpedient to Legislate.

The Committee feels the Sunset Process should go through a complete cycle before it is changed. Vote 14-0. Rep. Beverly A. Gage for Legislative Administration.

SB 50-FN, relative to bingo and lucky  
7. Ought to Pass with Amendment.  
It was the feeling of the Committee that there are problems with the present Bingo Laws, and they needed to be changed and tightened up, and this bill, as amended, does this. Vote 19-0. Rep. Peter M. Simon for Regulated Revenues.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

287-E:1 Definitions. In this chapter:

I. "Bingo game" means any game, by whatever name called, in which a prize is offered to the person first covering squares in a straight line or other predetermined design on a card marked into squares for that purpose.

II. "Bona fide member" means a person who has held full and regular membership in the charitable organization for a period of not less than one year immediately prior to the bingo games in which such person intends to participate. To qualify as a "full and regular" member of a charitable organization, a person shall:

(a) Satisfy all criteria for membership in the charitable organization.  
(b) Pay all lawful fees or dues required by the charitable organization.  
(c) Not have become a member solely for the purpose of operating bingo games.

III. "Carnival" means an event sponsored by a charitable organization at which various rides and amusements are offered and the profits of which are to be used to further the charitable purposes of the charitable organization.

IV. "Charitable organization" means any bona fide religious, charitable, civic, veterans or fraternal organization which shall have been in existence for at least 2 years in the town or city in which the bingo games are to be conducted, which is organized under the laws of this state, and to which contributions are exempt from federal income tax. To be eligible for licensure under this chapter, a charitable organization shall do all of the following:

(a) Document that it is exempt from federal income tax laws.  
(b) Establish that the religious, civic, fraternal, veterans, or charitable purposes for which it was organized, other than charitable gambling, are furthered through activities conducted in the town or city in which the bingo games are conducted.

(c) Register, if required under RSA 7:19 - 7:32-a, with the director of charitable trusts.

(d) Maintain a current list of bona fide members. A charitable organization shall not include auxiliary units, committees or other entities organized under the auspices of a charitable organization eligible for licensure under this chapter, when such auxiliary unit, committee, or other entity is organized for the primary purpose of conducting bingo games.

V. "Commission" means the state sweepstakes commission.

#### Bingo Games

287-E:2 Administration. The commission shall administer and enforce this subdivision relating to bingo.

287-E:3 Rulemaking. The commission shall adopt rules, pursuant to RSA 541-A, relative to:

I. The application procedure for bingo licenses.

II. Information to be required on license applications.

III. Enforcement and inspection procedures.

IV. Procedures for a hearing following the revocation of a license.

V. The operation of bingo games.

VI. Bingo games conducted by senior citizens' organizations.

VII. The price for a single card or play in bingo games.

VIII. Bingo games at agricultural fairs.

IX. The rental of facilities and the leasing of equipment for use in bingo games.

X. Other matters related to the proper administration of this chapter.

287-E:4 License Fees.

I. Except as provided in RSA 287-E:10 and RSA 287-E:11, the bingo license application fee shall be \$25 per day.

II. Such fee shall be submitted to the commission at the time the application for a bingo license is filed and shall be refunded if the application is denied.

III. All funds collected by the division under this section and RSA 287-E:8 shall be deposited in the special fund established under RSA 284:21-j.

287-E:5 License Applications.

I. Applications shall be submitted to the division by an officer, director, or duly authorized official of the charitable organization. Proof of authority to submit the application on behalf of the charitable organization shall be required.

II. Applications shall be made only on the forms supplied to the charitable organization by the commission.

III. No license shall be issued unless the application form is fully completed by the duly authorized officer, director, or official of the charitable organization.

IV. Applications shall be received by the commission 15 days prior to the first game date of each month. This requirement may be waived by the commission for good cause shown.

V. The applicant shall certify under oath that:

(a) The information provided on the application is accurate.

(b) Only bona fide members of the charitable organization will operate the bingo games.

(c) That neither the applicant nor any member of the charitable organization who will be participating in the operation of the bingo games has been convicted of any crime or has violated the statutes or rules governing charitable gambling.

(d) The applicant and any member of the charitable organization who will be participating in the operation of the bingo games is aware of all statutes and rules applicable to the operation of bingo games.

287-E:6 Licenses. Except as provided in RSA 287-E:10 and RSA 287-E:11, bingo licenses may be issued to a charitable organization to conduct bingo games only under the following conditions:

I. No more than one license shall be issued to a charitable organization per calendar month, and the license shall permit no more than 5 game dates of bingo in one

calendar month. The license shall expire on the last game date authorized under said license.

II. A license shall authorize games at specific times on specific dates at specific locations and may authorize bingo games to be conducted at carnivals.

III. No more than one licensed charitable organization may conduct bingo games at any one time at any one location on any specified date.

IV. A license shall not be transferable.

287-E:7 Operation of Bingo Games.

Except as otherwise provided in RSA 287-E:10 and RSA 287-E:11:

I. (a) Only bona fide members of charitable organizations shall operate bingo games; except that, if all bona fide members of a charitable organization are under 18 years of age, adult officers or directors of the charitable organization or parents or legal guardians of bona fide minor members, who have been authorized by the officers or directors of the charitable organization, shall operate the games. Proof of bona fide membership shall be required.

(b) Notwithstanding subparagraph (a), if, by reason of the established criteria for membership, all bona fide members of the charitable organization are physically or mentally handicapped, or both, the officers, directors, or authorized officials of the charitable organization may designate individuals to conduct the operation of bingo games on behalf of said charitable organization. Individuals so designated are subject to all applicable provisions of this chapter, and the designation of such individuals is subject to the approval of the commission.

II. No compensation shall be paid to operators of a bingo game. Compensation shall include, but is not necessarily limited to, money or any other thing of value.

III. No one under the age of 18 years shall be admitted to the premises on which bingo games are being conducted, except when the bingo games are being conducted at a carnival. Proof of age shall be produced upon request of the commission. When bingo games are conducted at a carnival, persons under the age of 18 years may be admitted to the premises on which the bingo games are being conducted when accompanied and supervised by a parent or legal guardian; but persons under the age of 18 shall not be permitted to play bingo at a carnival.

IV. No bingo games shall be conducted prior to 11:00 a.m. on a weekday, prior to noon on a Sunday, or after 11:00 p.m. on any day.

V. No person operating a bingo game and no person who has leased out a facility or sold or leased bingo paraphernalia or related equipment to a charitable organization for use during bingo games shall participate or play in any game conducted at that location on that date.

VI. No person who has been convicted of any criminal offense or who has violated any of the statutes or rules



governing charitable gambling shall operate a bingo game.

VII. No charitable organization shall act as an agent for operating bingo games when it is unlawful for the charitable organization's principal to conduct bingo games.

VIII. The price to be paid for a single bingo card shall be established by rules adopted by the commission.

IX. No fee shall be charged for admission to bingo games.

X. No raffles or other games of chance permitted under RSA 287-A and RSA 287-D or any other games of chance, except as provided in RSA 287-E:14 through RSA 287-E:22, shall be conducted at the same time and in the same place as a bingo game licensed under this chapter.

XI. Except as provided in paragraph XIII, all prizes, tokens, or awards used, given, offered or awarded in connection with any game or series of games conducted on one game date shall not exceed the total value of \$1,500.

XII. All bingo game paraphernalia or related equipment used in conducting bingo games shall be subject to inspection and approval by the commission.

XIII. Except as otherwise provided in RSA 287-E:8, during any game or series of games conducted on any one game date by a charitable organization, no more than 2 games may be conducted in which the total amount paid by the players shall be divided among the winners of that game, provided that:

(a) Winners may be awarded prizes when predetermined designs are completed; however, no more than 75 numbers shall be called in the game, and no number may be called more than once.

(b) All money collected from the participants in such game or games shall be collected, counted, and displayed in full view of the participants and shall be kept separately from all other moneys collected by the charitable organization during the bingo games conducted on the premises.

(c) The total amount collected from the participants shall be publicly announced and shall be recorded by an officer, director or authorized official of the charitable organization.

(d) The total amount awarded in the game shall not exceed the total amount collected from the participants in the game.

XIV. Bingo cards may be exchanged by players only once on any game date. Such exchanges shall take place only at the intermission.

RSA 287-E:8 Bingo Tax. Except for bingo games licensed under RSA 287-E:10 and RSA 287-E:11, the licensee shall pay a tax of 5 percent of the total amount collected from participants in any game conducted in accordance with RSA 287-E:7, XIII.

287-E:9 Financial Reports and Inspection Required.

I. A charitable organization which has been licensed to conduct bingo games shall submit a complete financial report to the commission for each license issued under RSA 287-E:6 within 15 days after the expiration of each license.

II. The financial report shall be completed by the treasurer of the charitable organization or a duly authorized officer, director, or official of the charitable organization who shall certify his accounting under oath.

III. The financial report shall include:

(a) A complete statement of revenues and expenses.

(b) A record of the amount of prizes awarded.

(c) The names and addresses of the members of the charitable organization who operated the licensed games.

(d) The name and address of any person, partnership, corporation or other entity from whom equipment used at the licensed games was rented or leased.

(e) The name and address of any person, partnership, corporation or other entity from whom premises were leased or rented to conduct the licensed games.

IV. All expenses over \$50 shall be paid by check. All prizes over \$1,499.99 shall be paid by check. The charitable organization shall retain cancelled checks for the payment of expenses and prizes for a period of 2 years.

V. All financial reports filed by charitable organizations shall be maintained by the commission for a period of one year from the date of filing and shall be open to public inspection.

VI. All financial records pertaining to the operation of bingo games shall be maintained by the treasurer of the charitable organization or other duly authorized director, officer or official of the charitable organization and shall be made available to representatives of the commission upon request.

VII. A charitable organization which has been licensed to conduct bingo games shall maintain complete and accurate documentation of all revenues and expenses contained in the financial reports for at least 2 years from the date the financial report is filed.

287-E:10 Bingo Games at Agricultural Fairs. The commission may issue a bingo license to an agricultural fair eligible for benefits under RSA 284:25, subject to the following conditions:

I. Games of bingo may be conducted only on those days during which the agricultural fair holds its annual bona fide agricultural exhibition.

II. The license shall not be transferable.

III. Games shall be operated only by persons designated by the agricultural fair.

IV. When bingo games are conducted at an agricultural fair, persons under the age of 18 years may be admitted to the premises on which the bingo games are being conducted when accompanied and supervised by a parent or legal guardian; but persons under the age of 18 shall not be permitted to play bingo at an agricultural fair. Proof of age shall be produced upon request of the commission.

V. There shall be no limit on the total value of prizes, tokens or awards given for any game or series of games.



VI. The bingo license application fee for an agricultural fair shall be \$25 per day.

VII. The organization conducting any agricultural fair shall not charge any charitable organization greater ground rent, concession fee or any other fee for a location for conducting games of bingo more than that which is charged for the same or similar locations for other types of concessions on the fair grounds.

VIII. The agricultural fair shall submit a report to the commission within 15 days of the expiration of its license. The report shall include a statement of all revenues and expenses relating to bingo games, a record of all prizes awarded at bingo games, and the names and addresses of the operators of bingo games.

287-E:11 Special Bingo License for Senior Citizens. Any senior citizens' organization in a city or town which has adopted RSA 287-E may apply to the commission for a special senior citizens' bingo license. Licenses shall be granted under the following conditions:

I. The license shall authorize games on specific dates, at specific times and at specific locations.

II. Games may be conducted on only one day in any one calendar week.

III. The games of bingo shall be open only to persons 60 years of age or older.

IV. No games shall be conducted before noon or after 11:00 p.m.

V. The price to be paid for a single card or play shall not exceed \$.25.

VI. The license shall not be transferable.

VII. The license application fee shall be \$1 per day on which games are played. If the commission denies a license application, the fee shall be refunded.

VIII. The license shall be valid for 6 months from the date of issue.

IX. All prizes, tokens or awards used, given, offered or awarded during, after or in connection with the conduct of any game or series of games conducted under this section in any calendar day shall not exceed the total amount of value of \$25.

X. The senior citizens' organization shall submit a report to the commission within 15 days of the expiration of its license. The report shall include a complete statement of all revenues and expenses, a record of prizes awarded, and the names and addresses of persons from whom equipment used at a bingo game was rented or leased.

XI. Members of a charitable organization with a valid bingo license may operate bingo games for a licensed senior citizens' organization, provided that they shall receive no compensation.

XII. No senior citizens' organization shall act as an agent for operating games of bingo when it is unlawful for the senior citizens' organization's principal to conduct bingo games.

287-E:12 Revocation. The commission shall immediately revoke the license of any licensee who violates any provision of this subdivision. Any licensee whose license is revoked shall not be eligible for licensure

for a period of up to one year from the date of revocation.

287-E:13 Rehearing and Appeal. Any person aggrieved by a decision of the commission to deny or revoke a bingo license may apply to the commission for a rehearing within 15 business days of the decision. Rehearings and appeals shall be governed by RSA 541.

#### Lucky 7

287-E:14 Administration and Enforcement. The commission shall administer and enforce this subdivision relating to the sale of lucky 7 tickets.

287-E:15 Lucky 7 Licenses Required. No charitable organization shall sell lucky 7 tickets without a current and valid lucky 7 license issued by the commission.

287-E:16 Rulemaking. The commission shall adopt rules, pursuant to RSA 541-A, relative to:

I. The application procedure for lucky 7 licenses.

II. Information to be required on lucky 7 license applications.

III. The sale of lucky 7 tickets.

IV. The licensing of manufacturers and distributors of lucky 7 tickets.

287-E:17 Application Fee; Application of Funds.

I. The lucky 7 license application fee shall be \$10 per month.

II. All fees collected by the commission under this section shall be deposited in the special fund established under RSA 284:21-j.

287-E:18 Lucky 7 Licenses. The commission may issue a lucky 7 license to a charitable organization for the sale of lucky 7 or similar tickets under the following conditions:

I. The license shall specify where the tickets may be offered for sale, provided that the license shall not authorize a charitable organization to sell lucky 7 tickets except in the town or city where it has existed for at least 2 years prior to the date the licenses are sold.

II. The price of any lucky 7 ticket pack or ticket card shall not exceed \$.50.

III. The license shall not be transferable and shall expire on the last day of the month for which it was issued.

IV. At least 45 percent of the gross revenues from the sale of lucky 7 tickets shall be paid as prizes.

V. Lucky 7 licenses shall be prominently displayed in the area in which the lucky 7 tickets are sold.

287-E:19 Sale of Lucky 7 Tickets.

I. Only bona fide members of a charitable organization licensed under this subdivision shall sell lucky 7 tickets. Proof of membership may be required by the commission.

II. Lucky 7 tickets may only be sold at the location specified in the license issued by the commission, which may include either:

(a) The regular meeting place of or a facility owned, leased or utilized by the charitable organization for its activities; or

(b) Any other location where the sale of lucky 7 tickets is conducted in conjunction with and at the same time as an event sponsored by the charitable organization.

III. No charitable organization shall conduct door-to-door sales of lucky 7 tickets.

IV. No compensation shall be paid to bona fide members of a charitable organization who participate in the sale of lucky 7 tickets, nor shall such members be reimbursed for out-of-pocket expenses. Compensation shall include, but is not necessarily limited to, money or any other thing of value.

V. No lucky 7 tickets shall be sold to any person under 18 years of age.

287-E:20 Lucky 7 Tax.

I. Any charitable organization which sells lucky 7 tickets shall pay a tax of 40 percent of the wholesale cost of the tickets to the commission within 10 days after the receipt of the tickets.

II. All funds collected by the commission under this section shall be deposited in the state general fund.

287-E:21 Distributors and Manufacturers of Tickets. The commission shall license distributors and manufacturers to supply lucky 7 tickets sold in this state. Every lucky 7 ticket sold in this state shall be purchased from a licensed distributor and manufactured by a licensed manufacturer. A license shall be issued to a distributor or manufacturer under the following conditions; provided that the commission may, by rule, establish additional qualifications for licenses:

I. The applicant shall pay to the commission an annual license or license renewal fee of \$2,500.

II. The applicant shall certify that neither he nor any partner, officer or director has been convicted of a felony, which has not been annulled by any court, within 10 years from the date of application.

III. Each licensee shall post a bond in the amount of \$10,000 conditioned upon the licensee's compliance with the rules of the commission.

IV. An applicant for a license as a distributor shall be a resident of this state whose principal place of business is within this state and shall have been a resident of this state for at least 2 years immediately prior to the date of application.

287-E:22 Financial Reports and Inspections.

I. A charitable organization shall submit a complete financial report for each license issued under RSA 287-E:18 to the commission within 15 days after the expiration date of the license.

II. The financial report shall be completed by the treasurer of the charitable organization or a duly authorized officer, director, or official of the charitable organization who shall certify his accounting under oath.

III. The financial report shall include:

(a) A complete statement of all revenues and expenses.

(b) A record of the amount of prizes awarded.

(c) The names and addresses of the members who participated in the sale of lucky 7 tickets.

(d) The name and address of the distributor from whom the lucky 7 tickets were purchased.

IV. All expenses and all cash prizes over \$500 shall be paid by check, and the charitable organization shall retain cancelled checks for the payment of expenses and prizes for a period of 2 years.

V. All financial reports filed by charitable organizations shall be maintained by the commission for a period of one year from the date of filing and shall be open to public inspection.

VI. All financial records pertaining to the sale of lucky 7 tickets shall be maintained by the treasurer of the charitable organization or other duly authorized director, officer or official of the charitable organization and shall be made available to representatives of the commission upon request.

VII. A charitable organization shall maintain complete and accurate documentation of all revenues and expenses contained in the financial reports for at least 2 years from the date the financial report is filed.

287-E:23 Revocation. The commission shall immediately revoke the license of any licensee who violates any provision of this subdivision. Any licensee whose license is revoked shall not be eligible for licensure for a period of up to one year from the date of revocation.

287-E:24 Rehearing and Appeal. Any person aggrieved by a decision of the commission to deny or revoke a lucky 7 license may apply to the commission for a rehearing within 15 business days of the decision. Rehearings and appeals shall be governed by RSA 541.

Referendum; Penalty

287-E:25 Referendum.

I.(a) Any city or town desiring to adopt the provisions of RSA 287-E may do so by presenting the following question to the voters: "Shall we adopt the provisions of RSA 287-E relative to the conduct of games of bingo and the sale of lucky 7 tickets?"

(b) The ballot containing the question shall include 2 squares next to the question allowing the voter to vote "Yes" or "No." If no cross is made in either of the squares, the ballot shall not be counted on the question.

(c) If a majority of those voting on the question vote "Yes," RSA 287-E shall apply within the city or town.

II. In a town, the question shall be listed in the warrant and placed on the official ballot, or a special ballot prepared by the clerk, upon a vote of the selectmen or upon submission to the selectmen of a petition signed by 25 registered voters or 1/6 of the registered voters, whichever is less.

III. In a city, the question shall be placed on the official ballot for any regular municipal election upon a vote of the city council or upon submission to the city council of a petition signed by 5 percent of the registered voters.

IV. Any city or town which has adopted RSA 287-E shall put to the voters the question of whether to rescind its action upon the vote of the selectmen or city council or upon the petition of voters as provided in paragraph II or III. The question shall be as provided in paragraph I, except the word "adopt" shall be changed to "rescind."

287-E:26 Application of Chapter. The provisions of RSA 647 relative to gambling offenses shall not apply to bingo games or to the sale of lucky 7 tickets if such bingo games and lucky 7 ticket sales are conducted in strict compliance with the provisions of this chapter.

287-E:27 Penalty.

I. In addition to any other penalties provided for by law, any person who violates RSA 287-E shall be guilty of a misdemeanor if a natural person, or guilty of a felony if any other person.

II. Each day on which a bingo game is played or a ticket is sold in violation of RSA 287-E shall constitute a separate offense.

2 Previous Approval. Any town or city which has approved by referendum former RSA 287 shall be deemed to have given approval to bingo and lucky 7 under the provisions of RSA 287-E.

3 Reference Amended. Amend RSA 284:21-j (supp) as inserted by 1963, 52:1 as amended by striking out in line 4 the citation "RSA 287" and inserting in place thereof the following (RSA 287-E) so that said section as amended shall read as follows:

284:21-j Establishment. The state treasurer shall credit all moneys received from the sweepstakes commission, and interest received on such moneys, to a special fund from which he shall pay all expenses of the commission incident to the administration of this subdivision and RSA 287-E and shall pay out, on or before September 15 of each year, to the school districts of the state on a flat grant per resident pupil basis any balance in said special fund. Such grants shall be used for educational purposes, and no part of said special fund shall be diverted by transfer or otherwise to any other purpose whatsoever.

4 Repeal. The following are hereby repealed:

I. RSA 287 relative to beano and lucky 7.

II. 1982, 44:6-9 relative to temporary changes in the beano law.

5 Effective Date. This act shall take effect on June 1, 1983 at 12:01 a.m.

SB 93, to allow people consuming liquor at bowling alleys to carry their drinks from lounge or grill areas into spectator areas for consumption. Inexpedient to Legislature. The House has already defeated HB 176 which is an identical bill and the Committee strongly feels it is not necessary to hear it twice. Vote 14-0. Rep. Robert P. Mason for Regulated Revenues.

SB 68, expanding the law enforcement authority of the director of safety services and allowing the regulation of so-called

rafting and offshore anchoring. Ought to Pass with Amendment.

The bill, as amended, addresses issues of access to and conflicting uses of the inland public water bodies of the state. The Committee believes that an analysis and recommendations are needed in order to guide the Legislature in its responsibility to provide for wise use of state resources. Vote 14-0. Rep. Joan M. Schreiber for Resources, Recreation and Development.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to boat access to state parks and directing the office of state planning to study the usage of great ponds.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Division of Parks and Recreation to Provide Boat Access. The division of parks and recreation of the department of resources and economic development shall provide access to state parks which have freshwater beach facilities for members of the public arriving at the park by boat and shall designate areas adjacent to the park in which such boats may be anchored while the persons who arrived in them are using the park.

#### 2 Study of Usage of Great Ponds.

1. The office of state planning shall conduct a review and analysis of the issues arising from the increasing, competing and conflicting uses of the great ponds of this state. The analysis shall focus on recreational uses and shall include but shall not be limited to consideration of:

- (a) Public access for boating and for shoreside activities;
- (b) State shore facilities available to boats;
- (c) The appropriateness of activities such as water skiing and power boating in relation to the sizes and conditions of various bodies of water;
- (d) Uses which do not conflict with the maintenance of water quality of reservoirs and class A bodies of water;

(e) Protection of endangered species and ecological balance; and

(f) Regulatory provisions and enforcement methods.

II. In conducting its analysis, the office of state planning shall consult with the department of resources and economic development, the department of fish and game, the water supply and pollution control commission, the water resources board, the department of safety services, and any other state agency with expertise in the area of usage of great ponds.

III. Not later than December 1, 1984, the office of state planning shall

submit to the senate committee on development, recreation and environment and to the house committee on resources, recreation and development a report containing its findings, recommendations and guidelines relative to appropriate usage of the great ponds of this state.

3 Effective Date. This act shall take effect upon its passage.

SB 169, establishing a study committee to review the rules of the water supply and pollution control commission, which do not have anything to do with municipal systems and making an appropriation therefor. Ought to Pass with Amendment.

The Committee agreed that a review of the adequacy of statutes relating to water pollution control and the execution thereof is a timely matter deserving of legislative oversight. Of special importance is the consideration of cost effectiveness of the measures presently required by the rules and guidelines. Vote 18-0. Rep. Douglas R. Woodward for Resources, Recreation and Development.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

establishing a study committee to review the rules of the water supply and pollution control commission, excluding those rules which involve municipal systems.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

#### 1 Study Committee Established.

I. There is hereby established a study committee consisting of 6 members: 3 members of the development, recreation and environment committee of the senate appointed by the president of the senate and 3 members of the resources, recreation and development committee of the house of representatives appointed by the speaker of the house. The president of the senate shall convene the committee, and the selection of a chairman shall be the first order of business. The members of the committee shall be entitled to legislative mileage.

II. It is the intent of this study to determine if the statutory basis for protecting the public health and the quality of the state's water resources is clear and precise both as to legislative intent as well as to the delegation of rule-making authority to the water supply and pollution control commission and that the execution thereof is both technically effective and cost efficient. To this end the committee shall consider but not be limited to:

(a) The rulemaking and other activities of the water supply and pollution control commission in view of its charge under RSA 149-E, 149-B, 146-A, 147, 148-A, 148-B, 149 and other statutes relative to

control of pollution of the surface and ground waters of the state;

(b) The potential for effecting cost savings for pollution control measures or other related health protection measures as required by statutes or the commission's rules, such savings not being in conflict with the basic goal of protecting the state's water resources;

(c) The application and review procedures of the commission and the criteria upon which procedures and requirements are based;

(d) The degree to which the commission's rules reflect current technical knowledge and the experience with measures for achieving the statutory goals of protecting the water resources of the state. The committee shall submit its report to the president of the senate and the speaker of the house by December 1, 1984.

III. Municipal systems involving water supply or pollution shall be specifically excluded from the study which is authorized by this section.

2 Effective Date. This act shall take effect 60 days after its passage.

#### COMMITTEE REPORTS (Regular Calendar)

HB 691-FN, providing for the calling of a constitutional convention and making an appropriation therefor. Ought to Pass with Amendment.

The people of New Hampshire have voted in the affirmative that a Constitutional Convention be convened. The amendment directs that the expenses for the convention shall be a charge against the Legislative Branch. Such expenses shall not exceed \$400,000. Vote 12-7. Rep. Margaret A. Ramsay for Appropriations.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

providing for the calling of a constitutional convention.

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Expenses. The expenses of the convention shall be paid for out of funds appropriated to the legislative branch for the fiscal years ending June 30, 1984, and June 30, 1985. Such expenses shall not exceed \$400,000.

Amendment adopted.

Rep. Joseph Eaton offered an amendment.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:



## AN ACT

providing for the calling of a constitutional convention and for a task force to study the state constitution and making an appropriation therefor.

Amend the bill by striking out section 6 and inserting in place thereof the following:

6 Task Force Established. There is hereby established a task force consisting of 10 members who are authorized and directed to study the constitution of the state; and, if the task force determines that amendments to the constitution are needed, it shall recommend such amendments to the next constitutional convention. Three of the members shall be appointed by the speaker of the house of representatives, 3 by the president of the senate, 2 by the governor and 2 by the supreme court. The members so appointed shall select from their number, a chairman, secretary and such other officers and sub-chairman as they shall deem necessary and proper. The members so appointed shall hold such public meetings as they shall deem proper in order to gain the sense of the public relative to any proposed change in the constitution.

7 Compensation. The members of the task force shall serve without compensation but may be reimbursed from the funds hereby appropriated for necessary expenses as the chairman shall approve.

8 Professional and Clerical Assistants. The task force may, within the limits of the appropriation, employ and fix the compensation of such professional and clerical assistants as may be necessary.

9 Recommendations. Any changes in the constitution proposed by the task force, along with any factual or explanatory material the task force shall deem appropriate, shall be printed by the task force in a report. The report shall be prepared not later than January 1, 1984. Thereafter the task force is instructed to give its report wide public dissemination through whatever news media the task force shall deem proper in order that candidates for election to the constitutional convention shall be apprised of the recommendations of the task force prior to that election. Upon the election of delegates to the constitutional convention, the task force shall submit its recommendations to the constitutional convention in accordance with the rules adopted by the convention.

10 Appropriation. There is hereby appropriated to the task force established by this act the sum of \$15,000 for fiscal year 1984 for the purpose of carrying out the provisions of sections 6-9 of this act. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

## 11 Effective Date.

I. Sections 1-5 of this act shall take effect January 1, 1984.

II. Sections 6-10 of this act shall take effect upon passage.

Hearing no objection the Chair advised the Clerk to dispense with the reading of the amendment.

Rep. Joseph Eaton explained the amendment.

Rep. Kidder spoke in favor of the amendment.

Amendment adopted.

Ordered to third reading.

SB 124, relative to designating approved care facilities. Majority: Inexpedient to Legislate. Minority: Ought to Pass with Amendment.

MAJORITY: It was the opinion of the majority that the mandate programs dealing with Alcohol and Drug Abuse was not in the public good: people are forced to pay for conditions that are of no obligation nor interest to them. Vote 12-7. Rep. C. Dana Christy for the Majority of Commerce, Housing and Consumer Affairs.

MINORITY: The Minority feels that this is a cost effective method of treating a serious illness. Persons suffering from substance abuse are discriminated against by certain insurance carriers by not having their illness treated as any other illness is treated. This coverage is provided by most private insurers and is required in 34 states. (Reps. George Michaelides, Peter Wells, Harold Lynde, Thomas Hynes, William Sullivan, Elizabeth L. Crory and Barbara Pressly for the Minority of Commerce, Housing and Consumer Affairs.)

Rep. Michaelides moved that the report of the Minority, Ought to Pass with Amendment, be substituted for the report of the Majority, Inexpedient to Legislate.

Reps. William Sullivan and Harnish spoke in favor of the motion and yielded to questions.

Reps. Chynoweth, A. Leslie Burns, Guay and Townsend spoke against the motion and yielded to questions.

Reps. Lynde, Michaelides and Jacobson spoke in favor of the motion.

Reps. Palumbo and Christy spoke against the motion.

Rep. Tamposi moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 132 NAYS 211

YEAS 132

BELKNAP: Bolduc, Bowler, Gary Dionne, Golden, Robert Hawkins, Nighswander and Sanders.

CARROLL: Dickinson, Murphy and Powers.

CHESHIRE: Barber, Boulter, Eugene Clark, Hickey, Matson, David Meader, Michaelides, William Riley and William Sullivan.

COOS: Oleson.

GRAFTON: Blair, Chambers, Copenhagen, Crory, Densmore, Downing, Girouard, Harnish,



Hutchings, Michael King, Wayne King, Taffe and Whitcomb.

HILLSBOROUGH: Richard Ahern, Ahlgren, Bass, Bergeron, Brack, John Burns, Cote, Cronin, Crotty, Duprey, Gelinas, Harrington, Walter Healy, Thomas Hynes, Kaklamanos, Kashulines, Katsiaticas, Keefe, Knight, Leclerc, Lefebvre, David Lemire, Roland Lemire, Lynde, Lyons, McGlynn, Nelson, Nickerson, O'Rourke, Pressly, Raiche, Peter Ramsey, Reidy, Resch, Robie, Soucy, Sylvia, Talbot, Vachon, John Wallace, Roger Wallace, Emma Wheeler, Robert Wheeler and Zajdel.

MERRIMACK: Allgeyer, Samuel Clark, Dean, Jacobson, Kidder, Kinhan, Pannell, Parrish, Savaria, Lawrence Sullivan, Trombly, Underwood and Wallner.

ROCKINGHAM: Bangs, Blanchard, Blanchette, Case, Connors, Cotton, Cressy, Hollingworth, John Hynes, Katsakiores, Keenan, Kozacka, Krasker, Leslie, Joseph MacDonald, McLane, Newman, Rosencrantz, Sloan, Sochalski, Splaine and Walker.

STRAFFORD: Belhumeur, Blouin, Chagnon, Couture, Demers, Hennessy, Joos, Kincaid, Lussier, Musler, Sackett and Schreiber.

SULLIVAN: Carlson, Converse, Cutting, D'Amante, Flint, Ingram, Irwin and Paul Johnson.

#### NAYS 211

BELKNAP: Birch, Dexter, French, Hardy, Holbrook, Lamprey, Matthew Locke, Pearson, David Whittemore and Zeckhausen.

CARROLL: Ashnault, Chase, Heath, Robert Holmes, Hraba, Kenneth MacDonald, McIntire and Saunders.

CHESHIRE: Crane, Davis, Daniel Eaton, Eisengrein, Galloway, Gordon, Grodin, Elmer Johnson, Kennedy, Lane, Miller, Morse, Parker, Perkins, Perry, Margaret Ramsay and Scranton.

COOS: Brideau, Harold Burns, Chappell, Chardon, Guay, Horton, David King, Langley, George Lemire, Theriault, Valliere and York.

GRAFTON: Christy, Driscoll, Duggan, Easton, LaMott, Logan, McAvoy, Rounds, Stewart, Walter, Ward and Weymouth.

HILLSBOROUGH: Debora Ahern, Ahrens, Arris, Baker, Boutwell, Leslie Burns, Carragher, Craig, Donovan, Duffett, Durant, Joseph Eaton, Fields, Ford, Fried, Gagnon, Galway, Grasso, Grip, George Hawkins, Head, Hendrick, Humphrey, Jean, Robert Kelley, Labombarde, John Lawrence, Levesque, Martineau, Howard Mason, Migneault, Morrisette, Nute, Paradis, Parmenter, Marjorie Peters, Quinn, Ellen-Ann Robinson, Russell, Sallada, Silva, B. P. Smith, Steiner, James Sullivan, Mary Sullivan, Tamposi, Turgeon, Geraldine Watson, Harold Watson, Kenneth Wheeler, James J. White, Eleanor Whittemore, M. Arnold Wight, Winn and Lucille Wood.

MERRIMACK: Bardsley, Bibbo, Laurent Boucher, Bowes, Cate, Chynoweth, Daniell, Degnan, Gross, Mary Holmes, LaBranche, Lewis, Mercier, Nichols, Phelps, Doris Riley, William Roberts, Walter Robinson, Rogers, Shepard, Gerald R. Smith, Stark, Stio and James Whittemore.

ROCKINGHAM: Ames, Belanger, Beliveau, Blaisdell, Blake, William Boucher, Burdick, Butler, Campbell, Carpenito, Danderson, Ellyson, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Greene, Joslyn, Kane, Glenden Kelley, Roger King, LoFranco, Longworth, Lovejoy, Mace, Malcolm, Robert Mason, William Moore, Nagel, Nevins, Newell, Palumbo, Pantelakos, Parr, Pevear, Popov, Quimby, Romoli, Scamman, Schmidtchen, Schwaner, Sherburne, Simon, Skinner, Stork, Sytek, Tavitian, Tufts, Vecchione, Warburton, Webster, Raymond Wood and Woodward.

STRAFFORD: Appleby, Bernard, Bouchard, Chamberlin, Dingle, Albert Dionne, Donnelly, Hussey, Robert Jones, Paul Meader, Pelley, Francis Robinson, Gerald L. Smith, Timm and Franklin Torr.

SULLIVAN: Brodeur, Gray, Palmer, Reney and Townsend and the motion lost.

Resolution adopted.

Rep. Abrams notified the Clerk that she wished to be recorded in favor of SB 124.

SB 129-FN, relative to the housing finance authority. Refer for Interim Study. This bill has seven separate sections which amend the current statute dealing with the New Hampshire Housing Finance Agency. Three sections will change the scope of this Agency from being required to provide low and moderate cost housing to being allowed to provide more financially feasible middle income housing. Another section will increase the agency's bonding capacity by \$500 million (some the moral obligation of New Hampshire). Another section will allow the sale of taxable bonds for housing with no consideration of meeting a "public purpose." By a vote of 16-3 interim study was recommended, to allow proper study of the necessary response as federal subsidies and tax-exempt bonds are eliminated. Rep. Elizabeth L. Crory for Commerce, Housing and Consumer Affairs.

Referred for Interim Study.

SB 20, postponing the date required for organizing solid waste management districts from October 1, 1983 to April 1, 1984. Ought to Pass with Amendment.

The majority of the Committee by a 13-4 vote agrees that the House should have the opportunity to vote on a bottle bill in this session. The amendment includes the so-called Bartlett bill with some minor corrective changes which include a priority for existing recycling centers. In addition, Section 7 is authorization to help the town of

Hampton solve a serious solid waste problem. Rep. Elizabeth A. Greene for Environment and Agriculture.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

providing for returnable beverage containers and authorizing the town of Hampton to establish a solid waste management district.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 130-A the following new chapter:

#### CHAPTER 130-B RETURNABLE BEVERAGE CONTAINERS

130-B:1 Definitions. As used in this chapter, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise:

I. "Beverage" means beer or other malt beverages and mineral waters, soda water and carbonated soft drinks in liquid form intended for human consumption excluding wine, liquors, dairy products or natural fruit juices. "Beverage" includes noncarbonated soft drinks and iced tea when sold in containers of the type used for soft drinks.

II. "Beverage container" means the individual separate sealed glass, metal or plastic bottle, can, jar or other container which contains one gallon or less of a beverage as defined by paragraph I.

III. "Consumer" means every person who purchases a beverage in a beverage container for consumption or for any use other than resale.

IV. "Dealer" means a person in this state who sells or offers to sell beverages in beverage containers to a consumer. "Dealer" includes, but is not limited to, an operator of a vending machine containing beverages in beverage containers.

V. "Dealer's place of business" means the location at which a dealer sells or offers for sale to consumers beverages in beverage containers.

VI. "Director" means the director of the division of public health services, department of health and welfare.

VII. "Distributor" means a person who engages in the sale of beverages in beverage containers to a dealer in this state and includes a manufacturer who engages in such sales.

VIII. "Manufacturer" means a person who bottles, cans or otherwise places beverages in beverage containers for sale to distributors or dealers.

IX. "Nonrefillable" means a beverage container which, after being used by a consumer, is not to be reused as a beverage container by a distributor.

X. "Operator of a vending machine" means an owner of a vending machine, the person who refills it, or the owner or lessee of the property upon which it is located.

XI. "Person" means an individual, partnership, joint venture, corporation or any group of the foregoing organized or united for a business purpose.

XII. "Redemption center" means a center established under RSA 130-B:6 at which consumers may return empty beverage containers.

XIII. "Refillable" means a beverage container which, after being used by a consumer, is to be refilled with a beverage by a distributor.

XIV. "Recycle collection operator" means a person who obtains authorization from the director under RSA 130-B:7 to pick up empty containers collected at collection centers and disposes of them through recycling. A distributor shall not be a recycle collection operator, nor shall he have or acquire ownership directly or indirectly in a recycle collection operation.

130-B:2 Policy. The purpose of this chapter is to provide an incentive to consumers, container collectors and recycling operators to design and erect a voluntary system for container pick up and disposal without imposing the cost of such system upon retail and wholesale dealers of beverages, without adding unrefundable costs to the process of collection and disposal, and without adding such costs to the price of beverages to the end that neither consumers nor the state is burdened by the impact of the incentive system.

130-B:3 Refund Value. Every beverage container sold or offered for sale in this state shall have a refund value of not less than \$.05 if less than 32 ounces or a comparable amount in liters, or \$.10 if 32 ounces or greater or a comparable amount in liters.

130-B:4 Purchases Outside this State. Whenever beverage containers are purchased outside this state for sale to consumers in this state, the provisions of this chapter shall apply.

130-B:5 Container to Show Refund Value.

I. Except as provided in paragraph II, the refund value and the words "New Hampshire" or the abbreviation "N.H." shall be clearly indicated in not less than 1/4 inch type size on every refundable beverage container sold or offered for sale by a dealer in this state by embossing, stamping, labeling or other method of secure attachment to the beverage container. The refund value shall not be indicated on the bottom of the container. Metal beverage containers shall be embossed or stamped on the top of the container.

II. Glass beverage containers having a refund value of \$.05 or more prior to the effective date of this chapter and permanently marked with a brand name shall not be required to indicate the refund value as provided in paragraph I. Whenever a container filled with a beverage is transferred to a distributor or dealer by a manufacturer, said refund amounts shall be paid to the director within 10 days of said transfer. Said funds shall be maintained by

the director for distribution to recycle collection operators when satisfactory disposition or recycling of said containers has been accomplished. Funds received but not paid out shall be held in a special nonlapsing fund by the director as a reserve against collection contingencies in future years. Upon declaration by the director of adequate contingency reserves, such funds held as are in excess of said adequate reserves may be distributed to towns or solid waste management districts in the form of special grants in support of litter pickup or education programs deemed unique and worthwhile by the director. The director shall publicly report the status of the special nonlapsing fund on a quarterly basis. Should the director determine that the return rate of containers is such as would, if continued, produce a deficit in the special fund, the director may adopt rules under RSA 130-B:11, VI to reduce the rate of payment to redemption centers and to recycle collection operators specified in RSA 130-B:7, IV and V. The director may revise such reductions in rates and shall terminate such reductions upon a determination that their continued application is no longer necessary.

#### 130-B:6 Redemption Centers.

I. No local redemption center may be established or operated without the express authorization of the director. Any municipality, any solid waste management district, or any person, except distributors, may apply for authorization to establish and operate a local redemption center at which consumers may return empty beverage containers.

II. Application for authorization of a redemption center shall be filed with the director within 60 days of the effective date of this chapter. The application shall state the name and address of the person responsible for the establishment and operation of the center, its hours and method of operation, its staffing and sorting program, a statement of limitations of any kind on size, brand, condition of container to be accepted, the area and dealers proposed to be served by the applicant, merchandise or products to be made available for sale, if any, at such collection and storage premises, a statement of financial capacity to own and operate the local redemption center described in the application for the period of the franchise sought by the application and such other information as the director may require. In the case of applications from municipalities or regional solid waste management districts or cooperatives, the director may waive the requirement for such information listed above as would not be applicable. In considering applications for redemption center franchises, the director shall give first preference to applications from municipalities and solid waste management districts and to applications from municipalities or solid waste management districts. Subsequently, in considering applications from dealers, the director shall consider the potential of adverse economic impact on similarly situated dealers and shall not issue any franchise to

an applicant if he determines that an adverse economic impact would result.

III. Upon authorizing a local redemption center, the director shall designate the area to be served, the hours of service and any other requirements consistent with the purposes of this chapter. No local redemption center other than one operated by an authorized applicant shall be permitted to operate in the area designated in the authorization. An authorized local redemption center may apply during the term of its franchise authorization permit for such modification to said franchise and collection procedure; and such modification shall be granted to the extent it is deemed by the director to be consistent with the purposes of this chapter.

IV. The director may withdraw authorization from a local redemption center on 30 days notice if said center does not comply with the terms of its franchise authorization or if the redemption center no longer provides a convenient service to the public.

#### 130-B:7 Recycle Collection Operators.

I. A recycle collection operator shall accept and transport from every redemption center in his franchise area any empty and unbroken beverage container which has been collected by said centers and is marked pursuant to RSA 130-B:5.

II. Application for a recycle collection operation franchise shall be filed with the director within 90 days of the effective date of this paragraph and shall state the name and address of the person responsible for its operation, the area to be served by such operation, the experience, financial stability, means and methods of operation including equipment and prospective employees, number of scheduled pickups, and capacity and program for reporting amount and type of pickup to the director on a periodic basis and such other information as the director may require.

III. An approved authorization for a franchise for a recycle collection operation shall confer upon the franchisee exclusive operating rights within the area covered by the approval. No other person shall be permitted to conduct business as a recycle collection operator within said area for the term of the franchise so conferred. After 60 days' notice and a hearing the director may withdraw and cancel the franchise of a recycle collection operator if the recycle collection operator does not comply with the terms of its franchise authorization.

IV. For each container collected and received at a local redemption center, the recycle collection operator shall pay the local redemption center as follows:

(a) From January 1, 1984, to December 31, 1984, \$.02 per container.

(b) From January 1, 1985, to December 31, 1985, \$.01 per container.

(c) From January 1, 1986, and thereafter, \$.0075 per container.

V. For each container collected and disposed of by refilling or recycling, the director shall pay the recycle collection operator as follows:

(a) From January 1, 1984, to December 31, 1984, \$.03 per container.

(b) From January 1, 1985, to December 31, 1985, \$.02 per container.

(c) From January 1, 1986, and thereafter, \$.015 per container.

VI. Proper evidence and verification of eligibility for payment under paragraphs IV and V shall be the sole responsibility of the recycle collection operator who shall on request report his methods and computations to the director. Any disputes regarding said payments or computations shall be resolved by the director.

130-B:8 Recycling. All beverage containers received by a recycle collection operator shall be either recycled or refilled and shall not become part of any disposal project unless express approval for such disposal is obtained from the director.

130-B:9 Prohibition of Certain Types of Containers and Holders. No beverage container shall be sold or offered for sale to consumers in this state:

I. In a metal container constructed so that part of the container is designed to be detached from such container; or

II. With containers connected to each other by a separate holding device constructed of plastic rings or other device or material which has not been classified as biodegradable by the director.

130-B:10 Penalties.

I. Any person violating any section of this chapter shall be guilty of a violation if a natural person or guilty of a misdemeanor if any other person.

II. Each day that a violation exists shall constitute a separate offense.

130-B:11 Rulemaking Authority. The director shall adopt rules, pursuant to RSA 541-A, relative to:

I. Licensing and operation of local redemption centers.

II. Sorting and storage of returned beverage containers.

III. Responsibilities of recycle collection operators making pickups from redemption centers, including, but not limited to:

(a) Standards for acceptance of containers;

(b) Payment of pickup expenses; and

(c) Redemption of containers of discontinued brands.

IV. Recycling of returned beverage containers by recycle collection operators.

V. Refillable glass beverage containers.

VI. Other matters related to the proper administration of this chapter.

130-B:12 Exception for Beverage Containers Used on Commercial Flights. This chapter shall not apply to any beverage container sold to an airline and containing a beverage intended for consumption on an aircraft flight originating or terminating in another state or in a foreign country.

2 Administrative Provisions.

Notwithstanding the effective date of section one of this act, the director of public health services, department of health and welfare, shall immediately take all

steps necessary to implement fully the administrative provisions of RSA 130-B:6, 7 and 11 as inserted by section one of this act.

3 Authority Granted. The department of resources and economic development is hereby authorized to enter into an agreement with the town of Hampton, New Hampshire for the purpose of establishing a solid waste management district comprised of Hampton and any or all of the state parks which are located on the New Hampshire coast between the Maine and Massachusetts borders. The district shall manage and administer the collection, source separation, processing, treatment, transportation, transfer, storage, recovery, and disposal of solid waste in accordance with the provisions of RSA 149-M.

4 Effective Date.

I. Section one of this act shall take effect January 1, 1984.

II. Sections 2 and 3 of this act shall take effect upon its passage.

Rep. Greene explained the amendment.

Reps. Scamman, Shepard, Cressy, Walter, Sochalski, Stork, Ellyson and James J. White spoke against the amendment.

Rep. Blanchette spoke in favor of the amendment and yielded to questions.

Reps. Sherburne, Chardon, Webster, Hutchings, Spirou and Townsend spoke in favor of the amendment.

Rep. Roberts spoke against the amendment and yielded to questions.

Rep. French moved the previous question. Sufficiently seconded. Adopted.

Rep. Greene requested a roll call. Sufficiently seconded.

(Speaker Presiding)

YEAS 173 NAYS 174

YEAS 173

BELKNAP: Birch, Bolduc, Bowler, Dexter, Gary Dionne, Robert Hawkins, Lamprey, Nighswander, Pearson, Sanders, David Whittemore and Zeckhausen.

CARROLL: Dickinson, Robert Holmes, Hraba, McIntire and Murphy.

CHESHIRE: Barber, Eugene Clark, Crane, Davis, Eisengrein, Gordon, Grodin, Hickey, Kennedy, Matson, David Meader, Michaelides, Miller, Parker, Perry, Margaret Ramsay, William Riley and William Sullivan.

COOS: Chappell and Chardon.

GRAFTON: Blair, Chambers, Copenhaver, Crory, Densmore, Downing, Easton, Girouard, Harnish, Hutchings, Michael King, Wayne King and Taffe.

HILLSBOROUGH: Ahlgren, Arris, Bass, Cote, Duffett, Joseph Eaton, Ford, Grip, Harrington, Head, Hendrick, Thomas Hynes, Jean, Kaklamanos, Kashulines, Katsiaficas, Keefe, Evelyn King, Knight, John Lawrence, Leclerc, Lefebvre, Lynde, McGlynn, Nute, O'Rourke, Parmenter, Pressly, Raiche, Peter Ramsey, Resch, Ellen-Ann Robinson, Russell, Sallada, B. P. Smith, Spirou, Vachon, Emma



Wheeler, Kenneth Wheeler, Robert Wheeler, Eleanor Whittemore, M. Arnold Wight and Zajdel.

MERRIMACK: Bardsley, Chynoweth, Samuel Clark, Daniell, Dean, Degnan, Gross, Jacobson, Kidder, Kinhan, Lewis, Nichols, Pannell, Parrish, Phelps, Walter Robinson, Stark, Lawrence Sullivan, Trombly, Underwood, Wallner and James Whittemore.

ROCKINGHAM: Beliveau, Benton, Blake, Blanchard, Blanchette, William Boucher, Butler, Campbell, Case, Connors, Cotton, Danderson, Harry Flanders, Greene, Hollingworth, Keenan, Kozacka, Krasker, Leslie, LoFranco, Longworth, Joseph MacDonald Malcolm, McLane, Newman, Pevear, Popov, Quimby, Sherburne, Skinner, Sloan, Splaine, Tufts, Walker, Warburton, Webster and Woodward.

STRAFFORD: Belhumeur, Chagnon, Demers, Dingle, Hussey, Joos, Paul Meader, Musler, Francis Robinson, Sackett, Schreiber, Gerald L. Smith and Franklin Torr.

SULLIVAN: Carlson, Converse, Flint, Ingram, Irwin, Paul Johnson, Reney and Townsend.

#### NAYS 174

BELKNAP: French, Golden, Hardy, Holbrook and Matthew Locke.

CARROLL: Ashnault, Chase, Heath, Kenneth MacDonald, Powers and Saunders.

CHESHIRE: Boulter, Daniel Eaton, Galloway, Elmer Johnson, Lane, Morse, Perkins and Scranton.

COOS: Brideau, Harold Burns, Guay, Horton, David King, Langley, George Lemire, Oleson, Theriault, Valliere and York.

GRAFTON: Christy, Driscoll, Duggan, LaMott, Logan, McAvoy, Rounds, Stewart, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Debora Ahern, Richard Ahern, Ahrens, Arnold, Baker, Bergeron, Boutwell, Brack, John Burns, Leslie Burns, Carragher, Craig, Cronin, Crotty, Donovan, Duprey, Durant, Fields, Fried, Gagnon, Galway, Gelinas, Grasso, George Hawkins, Daniel Healy, Walter Healy, Humphrey, Robert Kelley, Labombarde, David Lemire, Roland Lemire, Levesque, Lyons, Martineau, Howard Mason, Migneault, Morrisette, Nelson, Nickerson, Paradis, Marjorie Peters, Quinn, Reidy, Robie, Silva, Soucy, Steiner, James Sullivan, Mary Sullivan, Sylvia, Talbot, Tamposi, Turgeon, John Wallace, Geraldine Watson, Harold Watson, James J. White, Winn and Lucille Wood.

MERRIMACK: Allgeyer, Bibbo, Laurent Boucher, Bowes, Cate, Mary Holmes, LaBranche, Mercier, Doris Riley, William Roberts, Rogers, Savaria, Shepard, Gerald R. Smith and Stio.

ROCKINGHAM: Ames, Bangs, Belanger, Blaisdell, Burdick, Carpenito, Cressy, Ellyson, Flanagan, John Flanders, Beverly

Gage, John Hynes, Joslyn, Kane, Katsakiores, Glenden Kelley, Roger King, Lovejoy, Mace, Robert Mason, William Moore, Nagel, Nevins, Newell, Palumbo, Pantelakos, Romoli, Rosencrantz, Scamman, Schmidtchen, Schwaner, Simon, Sochalski, Stork, Sytek, Tavitian, Vecchione and Raymond Wood.

STRAFFORD: Appleby, Bernard, Blouin, Bouchard, Chamberlin, Couture, Albert Dionne, Donnelly, Hennessey, Robert Jones, Kincaid, Lussier, Pelley and Timm.

SULLIVAN: Brodeur, Cutting, D'Amante, Gray, Palmer and Tucker, and the amendment lost.

Rep. Shepard offered an amendment.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

authorizing the town of Hampton to establish a solid waste management district.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Authority Granted. The department of resources and economic development is hereby authorized to enter into an agreement with the town of Hampton, New Hampshire for the purpose of establishing a solid waste management district comprised of Hampton and any or all of the state parks which are located on the New Hampshire coast between the Maine and Massachusetts borders. The district shall manage and administer the collection, source separation, processing, treatment, transportation, transfer, storage, recovery, and disposal of solid waste in accordance with the provisions of RSA 149-M.

2 Effective Date. This act shall take effect upon its passage.

The Acting Assistant Clerk read the amendment.

Rep. Shepard explained the amendment.

Rep. Greene spoke in favor of the amendment.

Amendment adopted.

Ordered to third reading.

Reps. Anderson, Thomas Gage and Abrams notified the Clerk that they wished to be recorded in favor of the Committee report on SB 20.

Rep. Clyde Eaton notified the Clerk that he wished to be recorded against the Committee report on SB 20.

HB 646-FN, establishing a department of transportation. Ought to Pass with Amendment.

This amended bill creates a Department of Transportation and empowers the Commissioner to develop a plan for the reorganization within the present



budgetary limitations. It allows the Commissioner the flexibility to establish staffing patterns that will promote the most efficient operations. It provides for a joint House/Senate Committee to oversee the implementation. It does not eliminate any position or downgrade any salary level. Vote 20-0. Rep. Harold W. Watson for Executive Departments and Administration.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

#### 1 Legislative Intent.

I. The general court declares that this act shall not be construed to require the commissioner of transportation appointed under this act to eliminate or downgrade any existing positions in any of the agencies consolidated by this act. This act shall be construed to provide the commissioner of transportation with maximum flexibility, within the constraints of this act, to establish within the implementation plan prepared under this act staffing patterns for the department which shall permit the department to perform with the greatest possible efficiency.

II. This act shall not be construed in any way to affect dedications of revenue provided for in the constitution or laws of the state, including the dedicated highway fund provided for by part 2, article 6-a of the New Hampshire constitution, or the dedicated aeronautical fund established by RSA 422:42.

2 New Chapter. Amend RSA by inserting after chapter 21-F the following new chapter:

#### CHAPTER 21-G DEPARTMENT OF TRANSPORTATION

21-G:1 Department Established; General Functions.

I. There is hereby established the department of transportation, an agency of the state.

II. The department of transportation, through its officials, shall be responsible for:

(a) Planning, developing and maintaining a state transportation network which will provide for safe and convenient movement of people and goods throughout the state by means of a system of highways, railroads, air service, mass transit and other practicable modes of transportation, in order to support state growth and economic development and promote the general welfare of the citizens of the state.

(b) Except as otherwise provided by law, developing and maintaining state owned and supported land and buildings, and cooperating with the department of administration and control, or its successor agency, in preparing a long range state capital improvements plan; and

(c) Performing any regulation of transportation activities required by law which is not within the jurisdiction of another state agency.

#### 21-G:2 Internal Organizational Units.

I. The department shall include the following internal organizational units performing the following major functions:

(a) The division of administration, under the supervision of a director of administration, who shall, in accordance with applicable laws:

- (i) Be responsible to provide for:
  - (i) Accounting, purchasing and budget control;
  - (ii) Personnel management;
  - (iii) Property, contracts and grants management;
  - (iv) Data processing;
  - (v) Assistance to the commissioner with short and long range department level planning activities;
  - (vi) Control of department inventory; and
  - (vii) Department printing.
- (2) Be responsible for the following functions:

- (i) Issuance of all permits, registrations and licenses for which the department is responsible;
- (ii) Investigation of all transportation-related complaints and accidents for which the department is responsible; and
- (iii) Such other regulation of transportation as is assigned by law to the department.

(3) Exercise, subject to the supervision of the commissioner, superior authority over the directors of the other divisions of the department relative to areas of responsibility specified in this subparagraph.

(b) The division of project development, under the supervision of a director of project development, who shall be responsible for the following functions, in accordance with applicable laws:

- (1) Transportation engineering, including planning and design for state highway, rail, air and other forms of transportation;
- (2) Materials research and testing;
- (3) Acquisition of all real property rights necessary to carry out department responsibilities; and
- (4) Field supervision of all transportation construction for which the department is responsible.

(c) The division of operations, under the supervision of a director of operations, who shall be responsible for the following functions in accordance with applicable law:

- (1) Maintenance and supervision of the state transportation network; and
- (2) Maintenance of department equipment;

(d) The division of public works, under the supervision of a director of public works, who shall be responsible for the following functions, in accordance with applicable laws:

- (1) Public works engineering, including planning and design for all public works projects;
- (2) Field supervision of all public works construction;
- (3) Maintenance, supervision and coordination of all state-owned and

supported land and buildings, including, but not limited to, those functions specified in RSA 228:6, I;

(4) The responsibilities referred to in RSA 228:6, IV.

II. Whenever the commissioner determines that the administration of the functions of the department may be more efficiently performed by eliminating, merging, or consolidating existing statutory internal units, or by establishing a new division, he shall present a plan to the general court for its consideration.

21-G:3 Commissioner; Directors.

I. The commissioner of the department shall be appointed by the governor, with the consent of the council, and shall serve at the pleasure of the governor.

II. The commissioner shall nominate each division director for appointment by the governor, with the consent of the council. Division directors shall serve at the pleasure of the commissioner.

21-G:4 Qualifications; Compensation.

I. The commissioner of the department shall be qualified to hold that position by reason of education and experience.

II. The directors of all divisions of the department shall be qualified to hold their respective positions by reason of education and experience.

III. The salary of the commissioner shall be as specified in RSA 94:1-a.

21-G:5 Duties of Commissioner. In addition to the powers, duties and functions otherwise vested by law in the commissioner of the department of transportation, he shall:

I. Represent the public interest in the administration of the functions of the department and be responsible to the governor, the general court and the public for such administration.

II. Consult regularly with regional planning commissions established pursuant to RSA 36 with regard to department planning activities.

III. Provide for a support unit within his office which shall include the function of monitoring projects and conducting audits of department activities to insure compliance with state and federal contracts, laws and program objectives.

IV. Require the director of the division of administration, in consultation with the comptroller and the state treasurer, to provide for a system of accounts and reports which will insure the integrity and lawful use of all revenues collected by the department, the use of which is restricted by state or federal law.

V. Adopt rules, pursuant to RSA 541-A, necessary to assure the continuation or granting of federal funds or other assistance not otherwise provided for by law.

VI. Employ hearing officers, qualified by education and experience, to conduct all hearings required by law to be held by the bureau of regulation. Said hearing officers shall be employed in accordance with the personnel statutes and rules but shall not be classified at less than labor grade 28.

3 Transfer and Termination of Agencies. The department of public works and highways, the aeronautics commission, and the transportation division of the public utilities commission are hereby abolished; and all powers, functions, and duties of such agencies and the officials of such agencies, except as otherwise provided by this act, are hereby transferred to and vested in the commissioner of transportation.

4 References.

I. With respect to the functions, powers, and duties transferred under this act to the department of transportation, whenever in any law, rule, judicial or administrative proceeding or otherwise, reference is made to the department of public works and highways, the aeronautics commission, or the transportation division of the public utilities commission, the same shall mean and refer to the department of transportation.

II. The director of legislative services is hereby authorized, with the approval of the speaker of the house and the president of the senate, to make changes in the printed version of all laws and rules as provided in paragraph I, provided that no substantive changes may thereby be made.

5 Transfers from Office of State Planning. All functions, powers, and duties of the office of state planning, relative to urban mass transportation planning and related activities, are hereby transferred to the department of transportation established by this act.

6 Reports. Unless explicitly provided otherwise, whenever reports, certifications, applications, or requests are required to be made to any agency whose powers and duties are transferred to the department of transportation by this act, such reports shall be filed with or made to the department of transportation.

7 Effect on Prior Rules. This act shall not affect the orders and rules previously made or adopted by any agency, the functions, powers, and duties of which have been reassigned or transferred to the department of transportation.

8 Effect on Prior Actions or Proceedings. This act shall not affect any action or proceeding brought by or against any agency, the functions, powers, and duties of which have been assigned or transferred to the department of transportation, which is pending on the effective date of this act.

9 Protection of Obligations.

I. This act is not intended and shall not be construed to impair the contractual or other obligations of any agency, the functions, powers and duties of which have been assigned or transferred to the department of transportation.

II. The obligations and debts of any agency, the functions, powers and duties of which have been assigned or transferred to the department of transportation, shall become the obligations and debts of the department of transportation.

III. All dedications and allocations of revenues and sources of revenues heretofore made to any agency, the functions, powers and duties of which have

been assigned or transferred to the department of transportation, shall continue in the same manner, to the same extent, and for the same purposes as were provided prior to the enactment of this act.

10 Effect on Federal Law. This act shall not be construed or applied in any way which will prevent full compliance by the department of transportation with the requirements of any act of the Congress of the United States or any regulation made thereunder by which federal aid or other federal assistance has been or is hereafter made available.

11 Transfer of Appropriations. All appropriations, grants, and other money available and to become available to any agency, the functions, powers, and duties of which have been assigned or transferred under this act, are hereby transferred to the department of transportation and shall be available for the objects and purposes for which appropriated, subject to any terms, restrictions, limitations, or other requirements imposed by state or federal law.

12 Transfer of Employees. All classified employees heretofore engaged in the performance of duties in each agency abolished whose powers, duties, functions, and responsibilities are transferred in accordance with this act are hereby transferred to the department of transportation to the extent the commissioner deems necessary to carry out the functions of the abolished agency and shall, insofar as practicable and necessary, continue to perform the duties heretofore performed, subject to applicable personnel statutes.

13 Transfer of Records, Equipment. All files, books, paper, records, equipment, supplies, service contracts, and other property of any agency, the functions, powers, and duties of which have been assigned or transferred to the department of transportation, shall be transferred to the department of transportation.

14 Cooperation During Transition. The comptroller and all officials and personnel of the agencies affected by this act shall cooperate with the commissioner-designate and provide such information, administrative support, staff assistance and facilities as he may require to ensure an orderly and timely transition.

15 Conditions for Transition. In the event that House Bill 1 of the 1983 regular session of the general court, the executive branch reorganization act of 1983, becomes law, any reorganization, transition or implementation provisions of this act shall be superseded by any conflicting provisions of House Bill 1.

16 Authority to Conform Laws. The director of legislative services is hereby authorized, with the approval of the speaker of the house and the president of the senate, to make changes in the printed version of all laws enacted by the 1983 session of the general court that may be necessary for the purpose of conforming the language of such legislation to the language of this act, provided that no substantive changes may thereby be made. Such authority shall expire upon the printing of the 1983 session laws.

17 Transition. The governor, with the consent of the council, may appoint the commissioner of transportation on or after July 1, 1983. The governor may draw his warrant upon funds not otherwise appropriated to cover reasonable expenses associated with the transition, including reimbursement of the commissioner-designate.

18 Sunset Termination Date. The department of transportation, established by this act, shall terminate on July 1, 1989, pursuant to RSA 17-G.

19 Oversight of Implementation.

I. The commissioner of transportation appointed under the provisions of this act shall prepare a workable transition plan for implementing the provisions of this act. This implementation plan shall include detailed provisions for the consolidation of the agencies, the powers, duties and functions of which are transferred by this act, including provisions for the transfer and utilization of positions, personnel, funds, property, office space, facilities and equipment and such other details as are necessary to effectuate the purposes of this act. This plan shall be completed not later than 4 months after the appointment of the commissioner of transportation.

II. There shall be a joint committee of the general court to oversee the implementation of this act. The committee shall consist of 10 members, 5 of whom shall be representatives, 3 appointed by the speaker of the house, at least one of whom shall be a member of the house executive departments and administration committee, and 2 appointed by the house minority leader, at least one of whom shall be a member of the house executive departments and administration committee, and 5 of whom shall be senators, 3 appointed by the president of the senate, at least one of whom shall be a member of the senate executive departments committee, and 2 appointed by the senate minority leader, at least one of whom shall be a member of the senate executive departments committee. The members shall be appointed for their term of office, provided that all members shall be eligible for reappointment so long as they are qualified under the provisions of this section. Members shall be appointed no later than December 30 of the year of their election to the general court, except that vacancies shall be filled for the unexpired term within 30 days of the creation of said vacancy, and the initial appointments under this chapter shall be made within 30 days of the effective date of this chapter. The members shall choose a chairman from their number. The committee shall be dissolved upon the effective date of the approved implementation plan provided for by paragraph III of this section.

III. Completed implementation plans shall be submitted to the joint committee established by this section. The joint committee shall approve or disapprove such plans within 14 days of receiving them.

IV. Following approval of implementation plans by the joint committee, the transfer or abolition of each agency transferred or abolished by the general

court, and the organization of the department provided in the approved implementation plan, shall become effective on such date as shall be approved by the governor and by the joint committee, which date shall in no case be later than 6 months after the date of appointment of the commissioner of transportation.

V. Plans disapproved by the joint committee prior to the date specified in paragraph IV shall be returned to the commissioner for further refinement. The committee shall identify in writing those areas of the plan it finds objectionable or unacceptable.

VI. If the commissioner fails to submit an implementation plan which meets with the approval of the joint committee prior to the date specified in paragraph I, the committee shall prepare the implementation plan for that department. This plan shall take effect not later than 3 months after the date specified in paragraph III, as determined by the joint committee.

VII. During the preparation of the implementation plan, the commissioner shall ensure that the joint committee is kept apprised of his progress; and the joint committee shall have the power to require the commissioner to meet with it as it deems necessary.

#### 20 Temporary Authority to Set Salaries.

I. The commissioner of transportation appointed pursuant to this act shall include as part of the implementation plan submitted in accordance with this act recommendations as to the appropriate temporary salary level for the directors of all divisions of the department of transportation.

II. The joint committee established by section 19 of this act shall submit the recommendations submitted in accordance with paragraph I to the joint fiscal committee of the general court. The joint fiscal committee shall consider these recommendations and shall set a temporary salary level for each division director of the department of transportation.

III. The joint fiscal committee shall recommend permanent salary levels for each division director of the department of transportation to the next regular or special session of the general court following the effective date for the department of transportation established pursuant to this act. In any case, the temporary salary levels set pursuant to this section shall expire 10 days after the last session day of the next regular or special session following the effective date for the department of transportation established pursuant to this act.

21 Appeals. The commissioner of transportation appointed pursuant to this act shall include as part of the implementation plan submitted in accordance with this act recommendations for an intermediate appeals process which shall offer to persons aggrieved by a final decision of the commissioner an additional citizen tribunal to consider their grievance before appeal to the courts. The joint legislative committee overseeing the implementation of this act shall consider

these recommendations and recommend legislation to the next regular or special session of the general court following the effective date for the department of transportation established pursuant to this act.

22 Certain Functions. The commissioner of transportation appointed pursuant to this act shall have discretion to assign any function of the department not otherwise assigned by law to any organizational unit of the department as he deems appropriate.

24 Salary. Amend RSA 94:1-a, I (supp) as inserted by 1975, 505:28 as amended by inserting in Group P the title "Commissioner, department of transportation."

25 Effective Date. This act shall take effect July 1, 1983.

Amendment adopted.

Ordered to third reading.

SB 157, to license independent clinical social workers. Ought to Pass with Amendment.

The bill, as amended, would add certified social workers to RSA 330-A, an act relative to psychologists. It also defines qualifications for certification and board membership and requirements for ethical standards and disciplinary hearings. The bill requires mandating optional group coverage for certified social workers rather than the full mandatory group coverage required for certified psychologists. The amendment also establishes a one-year study committee to report on several RSAs relative to mental and nervous conditions and psychologists. Vote 15-4. Rep. Robert E. Barber, Jr. for Executive Departments and Administration.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

to regulate certified clinical social workers.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Board; New Member. Amend RSA 330-A:3 (supp) as inserted by 1957, 121:1 as amended by striking out said section and inserting in place thereof the following:

330-A:3 Board. There shall be a board of examiners of psychologists consisting of 7 members: 2 certified psychologists; one associate psychologist; one teacher of psychology who has received a doctoral degree in psychology, is a member of the faculty of an accredited college or university in this state, and is actively engaged in the teaching of psychology; one certified pastoral counselor; one certified clinical social worker; and one public member; each to be appointed by the governor, with the approval of the council,



to a term of 5 years. No member shall be appointed to more than 2 consecutive terms. Only board members provided for in this paragraph shall have the authority to vote in board determinations.

2 Reference Corrected. Amend RSA 330-A:4, I (supp) as inserted by 1957, 121:1 as amended by striking out said paragraph and inserting in place thereof the following:

I. Each nonpublic certified member of the board shall be a resident of this state and certified under the provisions of this chapter. The board shall at all times be representative of the diverse fields of psychology.

3 Qualifications; Certified Clinical Social Worker. Amend RSA 330-A:4 by inserting after paragraph I the following new paragraph:

I-a. Each certified clinical social worker member of the board shall be a resident of this state and certified under the provisions of this chapter.

4 Quorum. Amend RSA 330-A:7 as inserted by 1957, 121:1 by striking out said section and inserting in place thereof the following:

330-A:7 Organization and Meetings. The board shall hold a regular annual meeting at which it shall select from its members a chairman and a secretary. Other meetings shall be held at such times and upon such notice as the rules of the board may provide. Four members shall constitute a quorum.

5 Rulemaking. Amend RSA 330-A:8, VI, (supp) as inserted by 1981, 569:5 by striking out said paragraphs and inserting in place thereof the following:

VI. Ethical standards, as promulgated by the American Psychological Association, required to be met by each holder of any certificate issued under this chapter except as provided in paragraph VI-a, and how a certificate may be revoked for violation of these standards;

6 Rulemaking Authority. Amend RSA 330-A:8 by inserting after paragraph VI the following new paragraph:

VI-a. Ethical standards, as promulgated by the National Association of Social Workers required to be met by each person who is certified as a certified clinical social worker, and how a certificate may be revoked for violation of these standards;

7 Hearings. Amend RSA 330-A:15 by inserting after paragraph III the following new paragraph:

IV. Disciplinary hearings concerning any certified clinical social worker shall be heard by a special hearing committee, rather than the full board. The special hearing committee shall consist of the following board members:

- (a) The certified clinical social worker;
- (b) The public member;
- (c) Another member, selected by the chairman.

8 Certified Clinical Social Workers. Amend RSA 330-A by inserting after section 16-c the following new section:

330-A:16-d Certified Clinical Social Workers. The board shall issue a clinical social worker certificate to any person who

meets all of the following requirements or their equivalent:

I. Has received a college undergraduate degree.

II. Has received a 2 year master's degree or doctor's degree in social work from a school approved by the Council on Social Work Education.

III. Has had 2 years or 3,000 hours of post masters supervised, paid, clinical experience.

IV. Has satisfied all of the criteria in order to be listed in the National Association of Social Workers Register or is listed in the National Registry of Health Care Providers in Social Work, and has passed a national examination approved by the board.

9 Privileged Communications; Certified Clinical Social Workers. Amend RSA 330-A:19 (supp) as inserted by 1957, 121:1 as amended by striking out said section and inserting in place thereof the following:

330-A:19 Privileged Communications. The confidential relations and communications between all persons certified under provisions of this chapter and his client are placed on the same basis as those provided by law between attorney and client, and nothing in this chapter shall be construed to require any such privileged communications to be disclosed unless such disclosure is required by a court order. Confidential relations and communications between a client and any person working under the supervision of a person certified under this chapter which are necessary and customary for diagnosis and treatment are privileged to the same extent as though those relations or communications were with the supervising person certified under this chapter unless such disclosure is required by a court order.

10 Violations. Amend RSA 330-A:21 (supp) as inserted by 1957, 121:1 as amended by striking out said section and inserting in place thereof the following:

330-A:21 Violations. Except as hereinbefore provided in RSA 330-A, after July 1, 1959, any person not a certified psychologist who shall represent himself as a psychologist as defined in this chapter, or after January 1, 1984, any person not a certified clinical social worker who shall represent himself as a certified clinical social worker or any person who violates any of the provisions of RSA 330-A relating to psychology or clinical social work, or having had his certificate suspended or revoked shall continue to represent himself as a certified psychologist or certified clinical social worker, shall be guilty of a misdemeanor, and each violation shall be deemed a separate offense.

11 New Paragraph; Accident and Health Coverage. Amend RSA 415:18-a by inserting after paragraph IV the following new paragraph:

IV-a. Each insurer that issues or renews any policy of group or blanket accident or health insurance providing benefits for medical or hospital expenses shall offer to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of



employment is in this state, the option of purchasing, for a separate and identifiable premium, additional coverage for expenses incurred as a result of treatment or counseling by a certified clinical social worker certified as provided in RSA 330-A:16-d.

12 New Paragraph; Hospital Service Corporations. Amend RSA 419:5-a by inserting after paragraph III the following new paragraph:

III-a. Every hospital service corporation, and every other similar corporation licensed under the laws of another state, shall offer to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of employment is in this state, the option of purchasing, for a separate and identifiable premium, additional coverage for expenses incurred as a result of treatment or counseling by a certified clinical social worker certified as provided in RSA 330-A:16-d.

13 New Paragraph; Medical Service Corporations. Amend RSA 420:5-a by inserting after paragraph III the following new paragraph:

III-a. Every medical service corporation, and every other similar corporation licensed under the laws of another state, shall offer to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of employment is in this state, the option of purchasing, for a separate and identifiable premium, additional coverage for expenses incurred as a result of treatment or counseling by a certified clinical social worker certified as provided in RSA 330-A:16-d.

#### 14 Study Committee Established.

I. There is hereby established a legislative committee comprised of 6 members, 3 appointed by the speaker of the house of representatives at least one of whom shall be a member of the minority party, and 3 appointed by the president of the senate at least one of whom shall be a member of the minority party. The committee shall study RSA 415:18-a, RSA 419:5-a, and RSA 420:5-a, relative to coverage for mental and nervous conditions, and RSA 330-A, relative to psychologists. The purpose of the study shall be to maintain and improve services available to consumers while maximizing cost-efficiency and cost-effectiveness. In its study, the committee shall, at a minimum, review:

- (a) The prevalence of mental and nervous conditions which are covered;
- (b) Appropriate service providers;
- (c) Quality control;
- (d) Deductibles and co-insurance payments;
- (e) Possible cost containment measures; and
- (f) Mandated coverage of mental and nervous conditions.

II. The committee shall report its findings to the legislature by July 1, 1984.

15 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

SB 78, relative to renomination or reelection of teachers. Majority: Refer for Interim Study. Minority: Ought to Pass with Amendment.

MAJORITY: The Committee felt the bill was too confusing and would give rise to further variety in interpretation so should be studied and clarified before being altered. Vote 12-8. Rep. Frank J. Sylvia for the Majority of Judiciary. MINORITY: The Minority strongly believes that this is a fair compromise between the present statute and the Senate bill, which extends to teachers rights, as public employees, the opportunity to just and fair treatment. (Reps. David Cote, Gregory Ahlgren, Maureen Raiche, Evelyn King, William Kennedy, Michael Jones for the Minority of Judiciary.)

Rep. Raiche moved that the report of the Minority, Ought to Pass with Amendment, be substituted for the report of the Majority, Refer for Interim Study, and spoke to her motion.

Reps. Webster, Chambers, McLane and Sprou spoke in favor of the motion.

Reps. Sylvia, Taffe, William Riley, Geraldine Watson, William Boucher and Sytek spoke against the motion.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 97 NAYS 238

YEAS 97

BELKNAP: Birch, Gary Dionne and Sanders.

CARROLL: None.

CHESHIRE: Barber, Eugene Clark, Kennedy, Matson, David Meader, Michaelides and William Sullivan.

COOS: Oleson and Theriault.

GRAFTON: Chambers, Crory, Densmore, Easton, Girouard, Harnish, Hutchings, Michael King and Weymouth.

HILLSBOROUGH: Abrams, Debora Ahern, Ahlgren, Cote, Cronin, Durant, Daniel Healy, Walter Healy, Humphrey, Thomas Hynes, Jean, Kaklamanos, Katsiaficas, Evelyn King, Leclerc, Lefebvre, Roland Lemire, Lynde, Lyons, McGlynn, Migneault, Morrisette, Nickerson, O'Rourke, Raiche, Peter Ramsey, Reidy, Robie, Sprou, Mary Sullivan, Talbot, Turgeon, Vachon, John Wallace and Robert Wheeler.

MERRIMACK: Chynoweth, Samuel Clark, Kinhan, Parrish, Walter Robinson, Savaria, Lawrence Sullivan, Underwood and Wallner.

ROCKINGHAM: Blanchard, Blanchette, Carpenito, Connors, Cotton, John Hynes,

Keenan, Krasker, Leslie, Joseph MacDonald, McLane, Newman, Popov, Romoli, Sherburne, Skinner, Splaine and Webster.

STRAFFORD: Appleby, Belhumeur, Bernard, Blouin, Demers, Hennessey, Hussey, Joos, Kincaid, Pelley, Francis Robinson and Schreiber.

SULLIVAN: Converse and Irwin.

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BELKNAP: Bolduc, Bowler, Dexter, French, Golden, Hardy, Robert Hawkins, Holbrook, Lamprey, Matthew Locke, Nighswander, Pearson, David Whittemore and Zeckhausen.

CARROLL: Ashnault, Chase, Dickinson, Heath, Robert Holmes, Hraba, Kenneth MacDonald, McIntire, Murphy, Powers and Saunders.

CHESHIRE: Boulter, Crane, Davis, Daniel Eaton, Eisengrein, Galloway, Gordon, Grodin, Hickey, Elmer Johnson, Lane, Miller, Morse, Parker, Perry, Margaret Ramsay, William Riley and Scranton.

COOS: Brideau, Harold Burns, Chappell, Chardon, Guay, Horton, David King, Langley, George Lemire and Valliere.

GRAFTON: Blair, Christy, Downing, Driscoll, Duggan, LaMott, Logan, McAvoy, Rounds, Stewart, Taffe, Walter, Ward and Whitcomb.

HILLSBOROUGH: Richard Ahern, Ahrens, Arnold, Arris, Baker, Bass, Bergeron, Boutwell, Brack, John Burns, Leslie Burns, Carragher, Craig, Donovan, Duffett, Duprey, Joseph Eaton, Fields, Ford, Fried, Gagnon, Galway, Gelinas, Grasso, Grip, Harrington, George Hawkins, Head, Hendrick, Kashulines, Keefe, Robert Kelley, Knight, Labombarde, John Lawrence, David Lemire, Levesque, Martineau, Howard Mason, Nelson, Nute, Paradis, Parmenter, Marjorie Peters, Pressly, Quinn, Resch, Ellen-Ann Robinson, Russell, Sallada, Silva, B. P. Smith, Soucy, James Sullivan, Sylvia, Tamposi, Geraldine Watson, Harold Watson, Emma Wheeler, Kenneth Wheeler, James J. White, Eleanor Whittemore, Winn, Lucille Wood and Zajdel.

MERRIMACK: Allgeyer, Bardsley, Bibbo, Laurent Boucher, Bowes, Cate, Daniell, Degnan, Gross, Mary Holmes, Jacobson, Kidder, LaBranche, Lewis, Mercier, Nichols, Pannell, Phelps, Doris Riley, William Roberts, Rogers, Shepard, Gerald R. Smith, Stark, Stio, Trombly and James Whittemore.

ROCKINGHAM: Ames, Bangs, Belanger, Beliveau, Blaisdell, Blake, William Boucher, Burdick, Campbell, Case, Cressy, Danderson, Ellyson, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Greene, Hollingworth, Joslyn, Kane, Katsakiores, Glenden Kelley, Roger King, Kozacka, LoFranco, Longworth, Lovejoy, Mace, Malcolm, Robert Mason, William Moore, Nagel, Nevins, Newell, Palumbo, Pantelakos, Pevear, Quimby, Rosencrantz, Schmidtdchen, Schwaner, Simon, Sloan, Sochalski, Stork, Sytek, Tavitian, Tufts, Vecchione, Walker, Warburton, Raymond Wood and Woodward.

STRAFFORD: Bouchard, Chagnon, Chamberlin, Couture, Dingle, Albert Dionne, Donnelly, Robert Jones, Lussier, Paul Meader, Musler, Gerald L. Smith, Timm and Franklin Torr.

SULLIVAN: Brodeur, Carlson, Cutting, D'Amante, Flint, Gray, Ingram, Paul Johnson, Palmer, Reney and Townsend, and the motion lost.

Referred for Interim Study.

SB 58-FN, providing a limited hunting season for moose. Ought to Pass with Amendment.

The Committee felt that there should be a moose management plan submitted by the Fish and Game Department to include an up-to-date census and planned experimental hunt zones. Vote 12-3. Rep. Marshall French for Fish and Game.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

to plan for a moose management program which may entail experimental 3-day season.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Fish and Game Department to Provide Census of Moose Herd.

I. The department of fish and game by April 1, 1984, shall report to the house fish and game committee and the senate development, recreation and environment committee, an up to date census of the moose herd in the state.

II. The department shall also submit to those committees a plan for the management of the moose herd, which shall include an experimental 3-day hunting season, an appropriate fee structure and methods of how licenses shall be issued.

2 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

SB 141, reinstating the option of appealing to the superior court in lieu of appealing to the board of tax and land appeals. Ought to Pass with Amendment.

This bill restores the right of property owners to appeal tax abatements to the Superior Court. This right had been removed by a budget footnote in the 1981-82 special session. The amendment transfers appeals improperly filed in the Superior Court to the Board of Tax and Land Appeals. Vote 13-5. Rep. Doris J. Riley for Judiciary.

#### Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Appeals Transferred. Notwithstanding any other provision of law to the contrary, any appeal which was filed in the superior court between December 31, 1982, and the effective date of this act and which would have been properly and timely filed except for the repeal of RSA 76:17 by 1982, 42:83, III shall be considered a proper and timely appeal and shall be transferred from the court in which it was filed and shall be heard by the board of tax and land appeals.

4 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Rep. Jacobson moved that the words, "Inexpedient to Legislate, be substituted for the Committee report, Ought to Pass with Amendment, and spoke to his motion.

Rep. Sylvia spoke against the motion and yielded to questions.

Rep. Sytek spoke against the motion. Motion lost.

Ordered to third reading.

SB 100-FN, allowing employees to receive payments for certain supplemental plans without a reduction in their unemployment compensation benefits. Ought to Pass with Amendment.

The majority of the Committee feels that the amendment to this bill returns the sections deleted by the Senate to the original bill, SB 100. Vote 10-2. Rep. Larry Converse for Labor, Human Resources and Rehabilitation.

Amendment

Amend RSA 282-A:14, III(a) as inserted by section one of the bill by striking out same and inserting in place thereof the following:

III.(a) For the purposes of paragraphs (I) and (II): The term "wages" shall include compensation for temporary partial disability under the workmen's compensation law of any state or under a similar law of the United States, payments in lieu of notice, a sickness or separation allowance, payment of accrued leave or sums of whatever type or nature except those specifically excluded elsewhere in this subparagraph, payments upon discharge from military service from either the state or federal government, or both, and earnings from self-employment. "Wages" shall not mean and shall not include payments from a supplemental unemployment plan as defined in RSA 282-A:3-a. Wages or earnings or both shall be deemed to have been received in such week or weeks in which earned or, if not clearly identifiable, then for such week or weeks as the commissioner may find such can be reasonably said to apply. An individual's maximum weekly benefit amount shall be reduced by all wages and earnings in excess of 20 percent, rounded to the nearest dollar, of his weekly benefit amount. Benefits shall not be reduced in any part by pay for a New Hampshire legal holiday or for any full day which management, under a contract or otherwise, observes as a so-called holiday with a

general closing of its business, provided that the number of paid legal holidays and paid so-called holidays does not exceed in a calendar year the total number of legal holidays; and, with respect to such days as are not legal holidays, the provisions of RSA 282-A:31, 1(c) shall not apply.

Amend RSA 282-A:3-a as inserted by section 5 of the bill by striking out same and inserting in place thereof the following:

282-A:3-a Supplemental Unemployment Plan. For the purposes of this chapter "supplemental unemployment plan" shall mean a plan, system, trust or contract by the terms of which an individual will receive from the employer, trustees of the plan or trust, union or other agency, payments supplemental to unemployment compensation or based on or to be paid in conjunction with unemployment compensation, which are available to the employees generally but not available in advance, in a lump sum or for loan, to be paid only during periods of unemployment except payments for vacations, bonuses, profit sharing plans and severance pay or separation pay.

Amend the bill by striking out all after section 5 and inserting in place thereof the following:

6 Maximum Amount. Amend RSA 282-A:27 (supp) as inserted by 1981, 408:3 by striking out said section and inserting in place thereof the following:

282-A:27 Maximum Amount. The maximum amount of unemployment compensation payable for any week containing a holiday shall be the difference, rounded to the nearest dollar, between the total holiday pay, or other nonwork pay, paid or payable for said week plus any remuneration paid or payable for service performed during said week and 5 times one full day's holiday pay, all other provisions of this chapter to the contrary notwithstanding. Neither "holiday pay" nor "other nonwork pay" nor "remuneration" as used in the preceding sentence shall mean or include payments from a supplemental unemployment plan as defined in RSA 282-A:3-a.

7 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

HR 35, for a balanced budget. Inexpedient to Legislate.

As HB 500 and HB 180 are in the Senate at the present time, the majority of the Committee felt that this resolution would not accomplish its intent. Vote 8-5. Rep. Marshall French for Legislative Administration.

Report adopted.

SB 3, recodifying the state planning and zoning laws. Ought to Pass with Amendment. In 1979, the General Court established a committee to study planning and zoning legislation in order to identify areas

of concern and to recodify the numerous statutes into one section of law. The Committee was extended in 1981. The new statute aimed at bringing all planning and zoning laws into focus, thus forming a good basis for future consideration of substantive changes. In its review of SB 3 the Committee scrutinized the recodification for consistency with both present and new legislation. The amendment resulted from this review. Almost all testimony urged the passage of SB 3. The Committee feels that this bill accomplishes its purposes and unanimously recommends its passage. Vote 13-0. Rep. Richard A. Grodin for Municipal and County Government.

#### Amendment

Amend RSA 672:3 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

672:3 Abutter. "Abutter" means any person whose property is located in New Hampshire and adjoins or is directly across the street or stream from the land under consideration by the local land use board. For purposes of receiving testimony only, and not for purposes of notification, the term abutter shall include any person who is able to demonstrate that his land will be directly affected by the proposal under consideration.

Amend RSA 672:6 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

672:6 Local Legislative Body. "Local legislative body" means one of the following basic forms of government utilized by a municipality:

- (a) Council, whether city or town;
- (b) Mayor - council;
- (c) Mayor - board of aldermen;
- (d) Village district or precinct, excluding water and sewer precincts; or
- (e) Town meeting.

Amend RSA 672:7 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

672:7 Mayor. "Mayor" means the chief executive officer of the municipality, whether the official designation of the office is mayor of a city, city or town manager, the board of selectmen of a town, the board of commissioners of a village district, or any other title.

Amend RSA 672:9 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

672:9 Planning Board. "Planning board" means and includes city, town, and village district planning boards established under the provisions of RSA 673.

Amend RSA 672:14 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

672:14 Subdivision. "Subdivision" means the division of the lot, tract, or parcel of land into 2 or more lots, plats, sites, or other divisions of land for the purpose, whether immediate or future, of sale, rent, lease, condominium conveyance or

building development. It includes resubdivision and, when appropriate to the context, relates to the process of subdividing or to the land or territory subdivided. The division of a parcel of land held in common and subsequently divided into parts among the several owners shall be deemed a subdivision under this title.

Amend RSA 672 as inserted by section one of the bill by inserting after section 4 the following new sections 5 and 6, and by striking out sections 10 and 12 and renumbering existing sections 5-9, 11, 13 and 14 to read as 7, 8, 9, 10, 11, 12, 13, and 14, respectively:

672:5 Ex-officio Member. "Ex-officio member" means any member who holds office by virtue of an official position and who shall exercise all the powers of regular members of a local land use board.

672:6 Local Governing Body. "Local governing body" means, in addition to any other appropriate title:

- I. Board of selectmen in a town;
- II. City council or board of aldermen in a city; or
- III. Village district commissioners in a village district.

Amend RSA 673:1 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

673:1 Establishment of Local Land Use Boards.

I. Any local legislative body may establish a planning board, the members of which shall be residents of the municipality.

II. Any local legislative body may establish a historic district commission.

III. Any local legislative body may provide for the appointment of an inspector of buildings. The local legislative body may fix the compensation for any inspector who is so appointed.

IV. Every zoning ordinance adopted by a local legislative body shall include provisions for the establishment of a zoning board of adjustment.

V. Every building code adopted by a local legislative body shall include provisions for the establishment of the position of a building inspector, who shall issue building permits, and for the establishment of a building code board of appeals. If no provision is made to establish a separate building code board of appeals, the ordinance shall designate the zoning board of adjustment to act as the building code board of appeals. If there is no zoning board of adjustment, the board of selectmen shall serve as the building code board of appeals.

Amend RSA 673:2, 11(c) as inserted by section one of the bill by striking out same and inserting in place thereof the following:

(c) A local legislative body which has voted to elect planning board members may, by majority vote at town meeting, decide to rescind that action and have the planning board appointed in the manner set forth in subparagraph (a). The vote to have planning board members so appointed shall take effect upon adoption by the town meeting, and the selectmen shall forthwith appoint members in accordance with RSA 673:5. The planning board shall,



however, continue in existence; and the elected members in office at the time of the town meeting vote to appoint members may continue to serve until their successors are appointed and qualified.

Amend RSA 673:4, I as inserted by section one of the bill by striking out same and inserting in place thereof the following:

I. The historic district commission shall consist of 5 or 7 members who shall be appointed in a manner as prescribed by the local legislative body.

Amend RSA 673:6, I and III as inserted by section one of the bill by striking out same and inserting in place thereof the following:

I. The local legislative body may provide for the appointment of not more than 3 alternate members to any appointed local land use board, who shall be appointed by the appointing authority. The terms of alternate members shall be 3 years.

III. The alternate for a city or town council member, selectman or village district commission member shall be provided for by the respective council, board or commission. The terms of alternate members shall be the same as that of the respective members and shall be in addition to the alternates provided for in paragraph I.

Amend RSA 673:9, II as inserted by section one of the bill by striking out same and inserting in place thereof the following:

II. In the case of planning boards, an ex officio member shall not serve as chairman.

Amend RSA 673:13, II as inserted by section one of the bill by striking out same and inserting in place thereof the following:

II. The board of selectmen may, for any cause enumerated in paragraph I, remove an elected member or alternate member after a public hearing.

Amend RSA 673:15 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

673:15 Power to Compel Witness Attendance and Administer Oaths. The chairman of the zoning board of adjustment or the chairman of the building code board of appeals or, in his absence, the acting chairman may administer oaths. Whenever the board exercises its regulatory or quasi judicial powers it may, at its sole discretion, compel the attendance of witnesses. All expenses incurred under this section for compelling the attendance of a witness shall be paid by the party or parties requesting that a witness be compelled to attend a meeting of the board.

Amend RSA 673:17 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

673:17 Open Meetings; Records. Each local land use board shall hold its meetings and maintain its records in accordance with RSA 91-A.

Amend RSA 673:18, II as inserted by section one of the bill by striking out same and inserting in place thereof the following:

II. In all other towns, upon a petition to abolish the planning board or the historic district commission, signed by 100 or more voters or 1/10 of the registered voters in town, whichever number is less,

the planning board or the historic district commission shall submit the proposal to the town or village district in the same manner prescribed in RSA 675:4, except that the question put to the voters shall be in substantially the following form: "Are you in favor of abolishing the planning board (historic district commission) as proposed by petition of the voters of this town (village district)?"

Amend RSA 673:19, 20 and 21 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

673:19 Effect of Abolishing Planning Boards. Upon the effective date of the abolition of a planning board, all land use control activities in the municipality formerly performed by the planning board shall cease. Existing zoning ordinances shall remain in effect following the abolition date for a period not to exceed 2 years from the date of such action, but no amendment to a zoning ordinance requiring action by the former planning board shall be permitted.

673:20 Effect of Abolishing Historic District Commission. Upon the effective date of the abolition of a historic district commission, all the powers and duties of the commission designed to carry out the purposes of a historic district shall cease.

673:21 Transfer of Documents Upon Abolition of Planning Board and Historic District Commission.

I. Whenever a historic district commission is abolished, the records shall be transferred to the planning board. In a municipality where a planning board does not exist, the records shall be transferred to the city, town, or village district clerk, whichever is appropriate.

II. Whenever a planning board is abolished, the records shall be transferred to the city or town clerk, or to the clerk of the board of district commissioners, whichever is appropriate.

Amend RSA 674:1 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

674:1 Duties of the Planning Board.

I. It shall be the duty of every planning board established under RSA 673:1 to prepare and amend from time to time a master plan to guide the development of the municipality. A master plan may include consideration of any areas outside the boundaries of the municipality which in the judgment of the planning board bear a relation to or have an impact on the planning of the municipality. Every planning board shall from time to time update and amend the adopted master plan with funds appropriated for that purpose by the local legislative body. In preparing, amending, and updating the master plan:

(a) The planning board shall have responsibility for promoting interest in, and understanding of, the master plan of the municipality. In order to promote this interest and understanding, the planning board may publish and distribute copies of the master plan, or copies of any report relating to the master plan, and may employ such other means of publicity and education as it may deem advisable.



(b) The planning board shall also have authority to make any investigations, maps and reports, and recommendations which relate to the planning and development of the municipality.

II. The planning board may from time to time report and recommend to the appropriate public officials and public agencies programs for the development of the municipality, programs for the erection of public structures, and programs for municipal improvements. Each program shall include recommendations for its financing. It shall be part of the planning board's duties to consult with and advise public officials and agencies, public utility companies, civic, educational, professional, research and other organizations, and to consult with citizens, for the purposes of protecting or carrying out of the master plan as well as for making recommendations relating to the development of the municipality.

III. Members of the planning board, when duly authorized by the board as a whole, may attend municipal planning conferences or meetings, or hearings upon pending municipal planning legislation. The planning board may by majority vote authorize the payment of reasonable expenses incident to such attendance.

IV. The planning board, its members, officers, and employees, in the performance of their functions may, by ordinance, be authorized to enter upon any land and make such examinations and surveys as are reasonably necessary, and place and maintain necessary monuments and marks.

V. The planning board may, from time to time, recommend to the local legislative body amendments of the zoning ordinance or zoning map or additions thereto.

VI. In general, the planning board may be given such powers by the municipality as may be necessary to enable it to fulfill its functions, promote municipal planning, or carry out the purposes of this title.

Amend RSA 674:16, II as inserted by section one of the bill by striking out same and inserting in place thereof the following:

II. The power to adopt a zoning ordinance under this subdivision expressly includes the power to adopt innovative land use controls which may include, but which are not limited to the methods contained in RSA 674:21.

Amend RSA 674:24, III as inserted by section one of the bill by striking out same and inserting in place thereof the following:

III. "Manufactured housing" means any and all forms of modular, unitized or prefabricated housing, as well as mobile homes which are brought to and assembled on a building site, placed on a foundation and tied into all conventional and necessary utility systems and which are intended to be used as permanent dwelling units. "Manufactured housing" does not include housing or mobile homes which are fully constructed on the site.

Amend RSA 674:25, IV(b) as inserted by section one of the bill by striking out same and inserting in place thereof the following:

(b) Minimum distance from a lot's sidelines to any building shall be 30

feet; providing, however, that small detached accessory buildings may, as a special exception, be approved to within 15 feet of a lot line if the board of adjustment finds this would not be detrimental to the neighborhood.

Amend RSA 674:25, IX as inserted by section one of the bill by striking out same and inserting in place thereof the following:

IX. No building, residence, or manufactured housing may be located anywhere in this district unless it meets all of the area and yard requirements of a residence in this district.

Amend RSA 674:27, IV as inserted by section one of the bill by striking out same and inserting in place thereof the following:

IV. Before mining, excavation, or removal of soil, rock, sand or gravel or similar material, a special exception shall be received from the board of adjustment, subject to the usual fee permit. Excavation of earth shall be made in accordance with RSA 155-E.

Amend RSA 674:33, I(a) as inserted by section one of the bill by striking out same and inserting in place thereof the following:

(a) Hear and decide appeals if it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement thereof or any ordinance adopted pursuant thereto; and

Amend RSA 674:33, II, III, and IV as inserted by section one of the bill by striking out same and inserting in place thereof the following:

II. In exercising its powers under paragraph I, the zoning board of adjustment may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed from and may make such order, or decision as ought to be made and, to that end, shall have all the powers of the administrative official from whom the appeal is taken.

III. The concurring vote of 3 members of the board shall be necessary to reverse any action of the administrative official or to decide in favor of the applicant or any matter on which it is required to pass.

IV. A local zoning ordinance may provide that the zoning board of adjustment, in appropriate cases and subject to appropriate conditions and safeguards, make special exceptions to the terms of the ordinance. All special exceptions shall be made in harmony with the general purpose and intent of the zoning ordinance and shall be in accordance with the general or specific rules contained in the ordinance.

Amend RSA 674:34 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

674:34 Powers of Building Code Board of Appeals. The building code board of appeals shall have the power, upon an appeal filed with it by any person aggrieved by a decision of the building inspector dealing with the building code, to vary the application of any provision of the building code to any particular case when, in its opinion, the enforcement of the building code would do manifest injustice and would

be contrary to the spirit and purpose of the building code and the public interest.

Amend RSA 674:36, I as inserted by section one of the bill by striking out same and inserting in place thereof the following:

I. Before the planning board exercises its powers under RSA 674:35, the planning board shall adopt subdivision regulations according to the procedures required by RSA 675:6.

Amend RSA 674:37 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

674:37 Recording of Plats. After the certificate or notice referred to in RSA 674:35, II and the regulations referred to in 674:36 have been filed with the appropriate recording officials, no plat shall be filed or recorded until it has been approved by the planning board and such approval has been endorsed in writing on the plat in such manner as the planning board may designate, except as provided in RSA 676:15, II and III. The filing or recording of a plat of a subdivision without the requisite approval of the planning board shall be void.

Amend RSA 674:39 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

674:39 Four-Year Exemption. Every plat approved by the planning board and properly recorded in the registry of deeds shall be exempt from all subsequent changes in subdivision regulations and zoning ordinances adopted by any city or town, except those regulations and ordinances which expressly protect public health standards such as water quality and sewage treatment requirements, for a period of 4 years after the date of recording; provided, however, that once substantial completion of the improvements as shown on the plat have occurred in compliance with the approved plat, or the terms of said approval, the rights of the owner or his successor in interest shall vest and no subsequent changes in subdivision regulations or zoning ordinances shall operate to affect such improvements; and further, provided, that:

I. Active and substantial development or building has begun on the site by the owner or his successor in interest in accordance with the approved plat within 12 months after the date of approval, or in accordance with the terms of said approval, and, if a bond or other security to cover the costs of roads, drains or sewers is required in connection with such approval, such bond or other security is posted with the city or town at the time of commencement of such development;

II. Development remains in full compliance with the public health regulations and ordinances specified in this section; and

III. At the time of approval and recording, the plat conforms to the subdivision regulations and zoning ordinances then in effect at the site of such plat.

Amend RSA 674:41, I(b) (4) as inserted by section one of the bill by striking out same and inserting in place thereof the following:

(4) A street located and accepted by the local legislative body of the municipality, after submission to the planning board, and in case of the planning board's disapproval, by the favorable vote required in RSA 674:40; or

Amend RSA 674:41, I(c) (1) as inserted by section one of the bill by striking out same and inserting in place thereof the following:

(1) The local governing body after review and comment by the planning board has voted to authorize the issuance of building permits for the erection of buildings on said class VI highway or a portion thereof; and

Amend RSA 674:42 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

674:42 Status of Existing Platting Statutes. After a planning board is granted platting jurisdiction by a municipality under RSA 674:35, the planning board's jurisdiction shall be exclusive. All statutory control over plats or subdivisions of land granted by other statutes shall be given effect to the extent that they are in harmony with the provisions of this title. The planning board shall have all statutory control over plats or subdivisions of land. Prior laws which are inconsistent with the powers granted to the planning board and the municipality under this title, and which have expressly by ordinance been adopted by a municipality and made available to a planning board according to the provisions of this title, are hereby declared to have no application, force or effect so long as the powers conferred by this title shall continue to be exercised by a municipality.

Amend RSA 674:43, I as inserted by section one of the bill by striking out same and inserting in place thereof the following:

I. A municipality, having adopted a zoning ordinance as provided in RSA 674:16, and where the planning board has adopted subdivision regulations as provided in RSA 674:36, may by ordinance or resolution further authorize the planning board to review, and approve or disapprove site plans for the development of tracts for nonresidential uses, or for multifamily dwelling units, which are defined as any structures containing more than 2 dwelling units, whether or not such development includes a subdivision or resubdivision of the site.

Amend RSA 674:44, I as inserted by section one of the bill by striking out same and inserting in place thereof the following:

I. Before the planning board exercises its powers under RSA 674:43, the planning board shall adopt site plan review regulations according to the procedures required by RSA 675:6.

Amend RSA 674:46 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

674:46 Authority Granted. For the purposes of this subdivision, the local legislative body of any city or town shall have the authority to establish, change, lay out and define historic districts. Within the district, the municipality is empowered to regulate the construction, alteration,

repair, moving, demolition or use of such structures and places. Such regulations may from time to time be amended in the manner provided in RSA 675. All districts and regulations shall be established in relation to the master plan and the zoning ordinance of the city or town.

Amend RSA 675:1, II and III as inserted by section one of the bill by striking out same and inserting in place thereof the following:

II. Zoning ordinances proposed under RSA 674:16 and building codes proposed under RSA 674:51 shall be adopted in accordance with the procedures required under RSA 675:2-5.

III. If an official map is established, it shall be established according to the procedures required under RSA 674:9.

Amend RSA 675:2 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

675:2 Method of Enactment in Cities and Towns Operating Under Town Council Form of Government.

I. In cities or in towns operating under the town council form of government, the local legislative body shall determine the manner in which a zoning ordinance or a building code is established and amended.

II. No zoning ordinance or building code shall be established or amended until after a public hearing is held in accordance with the procedures required under RSA 675:7 on the proposed zoning ordinance, building code, or amendment.

Amend RSA 675:3 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

675:3 Method of Enactment in Certain Towns and Village Districts.

I. Any town not operating under the town council form of government, or any village district which is specifically authorized by law to enact a zoning ordinance, shall establish and amend a zoning ordinance or building code upon the affirmative vote by ballot of a majority of the legal voters present and voting on the day of the meeting, as provided in paragraph VII.

II. No zoning ordinance or building code shall be established or amended at a town or village district meeting until after the planning board holds at least one public hearing, on the proposed ordinance, code, or amendment. Notice for the time and place of each public hearing shall be the same as that provided in RSA 675:7.

III. After the public hearing the planning board shall, by vote, determine the final form of the ordinance, amendment, or amendments to be presented to the town or village district, which ordinance or amendment may include editorial revisions and textual modifications resulting from the proceedings of that hearing.

IV. An additional public hearing shall be held if the proposal is substantively altered by the planning board after public hearing. Subsequent public hearings shall be held at least 14 days after the prior public hearing and with the notice provided in RSA 675:7.

V. Official copies of the final proposal to adopt or amend the zoning ordinance or building code shall be placed on file and made available to the public at the town or village clerk's office 4 weeks prior to the date when action is to be taken. An official copy of the proposal shall be on display for the voters at the meeting place on the date of the meeting.

VI. Each village district must be specifically authorized to zone by the legislature.

VII. If the town or village district has adopted an official ballot for the election of its respective officers, the issue as to the adoption of the proposed ordinance, building code, or amendment shall be presented to the voters of the town or village district by the inclusion of the following question on said official ballot as prepared by the town or village district clerk: "Are you in favor of the adoption of the zoning ordinance or building code, (or amendment to the existing town (village district) zoning ordinance or building code,) as proposed by the planning board?"

In the event that there shall be more than a single proposed amendment to be submitted to the voters at any given meeting, the issue as to the several amendments shall be put in the following manner: "Are you in favor of the adoption of Amendment No.      as proposed by the planning board for the town (village district) zoning ordinance (building code) as follows: (Here insert topical description of substance of amendment.?)" If such action is to be taken at a meeting other than the one at which officers are to be elected, the clerk shall prepare a special ballot containing the question or questions above stated; and the meeting shall open not later than noon and shall remain open at least 8 hours. If such action is to be taken at a meeting in a town or village district which has not adopted an official ballot, the clerk shall likewise prepare a special ballot for the use of voters in voting on the question. If a majority of the voters present and voting on any question as herein provided shall vote in the affirmative, the ordinance or amendment thereto shall be declared to have been adopted. When submitting any question to the voters under this section, the form of the ballot shall be as prescribed by RSA 656:13.

Amend RSA 675:4, I, II, and III as inserted by section one of the bill by striking out same and inserting in place thereof the following:

675:4 Method of Enactment By Petition.

I. Twenty-five or more voters may petition for an amendment to a zoning ordinance or a building code. Petitioned amendments shall be voted only at the annual town or village district meeting. A petition to amend a zoning ordinance or a building code shall be submitted to the board of selectmen or the village district commissioners during the period between 120 and 90 days prior to the annual town or village district meeting. The petition shall be in correct warrant article form, as determined by the selectmen or village district commissioners, to amend the zoning

ordinance or building code. The selectmen or the village district commissioners shall submit the petitions to the planning board in a timely manner.

II. The planning board at its first regular meeting following the petition period shall set the date of the public hearing for each petitioned amendment which is received and shall hold a public hearing on each petitioned amendment. Notice for the time and place of the public hearing shall be the same as that provided in RSA 675:7.

III. Each petitioned amendment shall be placed on the ballot. A notation on the ballot stating the planning board's approval or disapproval shall immediately follow the question's description. Any petitioned question receiving an affirmative vote of a majority of the legal voters present and voting shall be adopted, except as provided in RSA 675:5.

Amend RSA 675:5, II as inserted by section one of the bill by striking out same and inserting in place thereof the following:

II. In order to have any protest considered pursuant to paragraph I:

(a) The owners signing the petition shall identify themselves on the petition by name and address, and by address of the property involved, or lot, and map number, or by whatever other means is used within the town or village district to identify the land in question, so that the selectmen or commissioners may identify such owners as interested and affected parties; and

(b) The signed protest petition shall be submitted to the selectmen or village district commissioners at least 7 days prior to the town or village district meeting; provided, however, that each protest petition shall apply to only one article on the warrant. A notice of receipt of the protest petition shall be posted at the polling place, and the moderator shall announce at the opening of the town meeting that a protest petition has been received.

Amend RSA 675:6 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

675:6 Method of Adoption. Every local master plan, and every subdivision and site plan review regulation referred to in this title shall be adopted or amended in the following manner:

I. The planning board shall hold a public hearing prior to the adoption or amendment of any master plan, subdivision regulation, or site plan review regulation. Notice for the time and place of the hearing shall be the same as that provided in RSA 675:7.

II. The planning board may adopt the master plan, regulation or amendment upon completion of the public hearing by an affirmative vote of a majority of its members.

III. No subdivision or site plan review regulation, amendment, or exception adopted under this section shall be legal or have any full force and effect until copies of the regulation, amendment, or exception are certified by a majority of the planning board members and filed with the city or

town clerk and the board of selectmen or city or town council.

Amend RSA 675:7, I as inserted by section one of the bill by striking out same and inserting in place thereof the following:

I. Notice shall be given for the time and place of each public hearing held under RSA 675:2-4 and RSA 675:6 at least 10 calendar days before the hearing. The notice required under this section shall not include the day notice is posted or the day of the public hearing. Notice of each public hearing shall be published in a paper of general circulation in the municipality and shall be posted in at least 2 public places.

Amend RSA 676:3, II as inserted by section one of the bill by striking out same and inserting in place thereof the following:

II. Whenever a local land use board issues a decision, the decision shall be placed on file in the board's office and shall be made available for public inspection within 72 hours after the decision is made. Boards in towns that do not have an office of the board that has regular business hours shall file copies of their decisions with the town clerk.

Amend RSA 676:4, I(d) as inserted by section one of the bill by striking out same and inserting in place thereof the following:

(d) Notice to the applicant, abutters and the public shall be given as follows: The planning board shall notify the abutters and the applicant by certified mail, return receipt requested, of the date upon which the application will be formally submitted to the board. Notice shall be mailed at least 10 days prior to submission. Notice to the general public shall also be given at the same time by posting or publication as required by the subdivision regulations. The notice shall include a general description of the proposal which is the subject of the application and shall identify the applicant and the location of the proposal. For any public hearing on the application, the same notice as required for notice of submission of the application shall be given. If notice of public hearing has been included in the notice of submission or any prior notice, additional notice of that hearing is not required nor shall additional notice be required of an adjourned session of a hearing with proper notice if the date, time and place of the adjourned session was made known at the prior hearing. All costs of notice, whether mailed, posted or published, shall be paid in advance by the applicant. Failure to pay such costs shall constitute valid grounds for the planning board to terminate further consideration and to disapprove the plat without a public hearing.

Amend RSA 676:4, IV as inserted by section one of the bill by striking out same and inserting in place thereof the following:

IV. Jurisdiction of the courts to review procedural aspects of planning board decisions and actions shall be limited to consideration of compliance with applicable provisions of the constitution, statutes and regulations. The procedural requirements specified in this section are intended to provide fair and reasonable treatment for



all parties and persons. The planning board's procedures shall not be subjected to strict scrutiny for technical compliance. Procedural defects shall result in the reversal of a planning board's actions by judicial action only when such defects create serious impairment of opportunity for notice and participation.

Amend RSA 676:6, I as inserted by section one of the bill by striking out same and inserting in place thereof the following:

I. The historic commission district shall file a certificate of approval or a notice of disapproval pursuant to RSA 676:8, III within 45 days after the filing of the application for the certificate, unless the applicant agrees to a longer period of time.

Amend RSA 676:7, II and III as inserted by section one of the bill by striking out same and inserting in place thereof the following:

II. In municipalities which do not have a planning board, the requirements of RSA 674:46 and 676:6 relating to conformity with the master plan and the requirement of RSA 673:4 that one member of the commission may be a planning board member shall not apply.

III. In municipalities which do not have a building inspector, the certificate of approval of the commission, as provided in RSA 676:8, III, shall be the equivalent of a building permit. In municipalities which do not have a zoning board of adjustment, motions for rehearing and appeals from decisions of the historic district commission shall be governed by the provisions of RSA 677, insofar as applicable.

Amend RSA 676:8 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

676:8 Building Permits Required. After a municipality has adopted a building code, any person who intends to erect or remodel any building in the municipality shall submit the plans to the building inspector for his examination and approval prior to commencement of the planned construction.

Amend RSA 676:10, I as inserted by section one of the bill by striking out same and inserting in place thereof the following:

I. The building inspector shall not issue any building or occupancy permit for any proposed construction, remodeling, or maintenance which will not comply with any or all zoning ordinances, building codes, or planning board regulations which are in effect.

Amend RSA 676:14 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

676:14 Fines. Any violation of this title may be made punishable by a fine of not more than \$100 for each day that such violation continues after the conviction date; provided, however, that the total fines imposed for any single violation shall not exceed \$500.

Amend RSA 676:15, III as inserted by section one of the bill by striking out same and inserting in place thereof the following:

III. The certificate by a licensed land surveyor shall be in the following form:

"I certify that this survey plat shows the property lines that are the lines of existing ownerships and that the lines of streets and ways shown are those of public or private streets or ways already established and that no new lines for division of existing ownership or for new ways are shown."

Date: \_\_\_\_\_

Licensed Land Surveyor  
SEAL

Amend RSA 676:16 as inserted by section one of the bill by striking out same and inserting in place thereof the following:

676:16 Penalties. Any person who violates any local ordinance, code or regulation adopted pursuant to this title shall be guilty of a misdemeanor if a natural person or of a felony if any other person. Any fine up to \$500 shall inure to the municipality for such uses as the municipality may direct; provided, however, that in the event HB 200 of the 1983 regular session of the general court is passed into law, the provisions of this section relative to fines inuring to municipalities shall have no force and effect.

Amend RSA 676 as inserted by section one of the bill by inserting after section 4 the following new sections 5, 6 and 7 and by renumbering the existing sections 5-16 to read as 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 19, respectively:

676:5 Appeals to Board of Adjustment. Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of the municipality affected by any decision of the administrative officer. Such appeal shall be taken within a reasonable time, as provided by the rules of the board, by filing with the officer from whom the appeal is taken and with the board a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.

676:6 Effect of Appeal to Board. An appeal stays all proceedings under the action appealed from unless the officer from whom the appeal is taken certifies to the board of adjustment, after notice of appeal shall have been filed with him, that, by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the board or by the superior court on notice to the officer from whom the appeal is taken and cause shown.

676:7 Public Hearing; Notice.

I. Prior to exercising its appeals powers, the board of adjustment shall hold a public hearing. Notice of the public hearing shall be given as follows:

(a) The appellant and every abutter shall be notified of the hearing by



certified mail, return receipt requested, stating the time and place of the hearing; and such notice shall be given not less than 5 days before the date fixed for the hearing of the appeal. The board shall hear all abutters desiring to submit testimony and all nonabutters who can demonstrate that they are affected directly by the proposal under consideration. The board may hear such other persons as it deems appropriate.

(h) A public notice of the hearing shall be placed in a newspaper of general circulation in the area not less than 5 days before the date fixed for the hearing of the appeal.

II. The public hearing shall be held within 30 days of the receipt of the notice of appeal.

III. Any party may appear in person or by his agent or attorney at the hearing of an appeal.

IV. The cost of notice, whether mailed, posted, or published, shall be paid in advance by the applicant. Failure to pay such costs shall constitute valid grounds for the board to terminate further consideration and to deny the appeal without public hearing.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Application of Existing Laws. Each municipality shall have 2 years from the date upon which this act becomes effective to make its master plan and its zoning ordinances conform with the relevant provisions of this act.

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Transitional Provisions for Existing Local Land Use Boards.

1. The terms of members of elected planning boards in office on the effective date of this act shall not be affected by this act. The members shall remain in office until the 1984 town election. At the 1984 town election, in any town whose elected planning board member's terms do not conform with the 3 year term established by this act, the town shall elect such members for such terms and the selectmen shall designate an ex officio member as may be necessary to bring the town's planning board into conformity with the provisions of this act. The town clerk, with the approval of the moderator, shall determine the terms to be filled at the 1984 town election and shall notify the existing planning board members accordingly. The vacancies determined to exist shall be filled by election of the voters at the 1984 town election in accordance with the provisions of this act.

II. The terms of appointed members of planning boards, zoning boards of adjustment, and building code boards of appeals in office on the effective date of this act shall not be affected by this act. However, when the term of each member expires, each new member who is appointed shall be appointed for a term of 3 years by the appointing authority in order to comply with the provisions of this act.

III. The terms of members of historic district commissions in office on the effective date of this act shall not be affected by this act.

Amendment adopted.  
Ordered to third reading.

SB 144, relative to the illegal purchase of alcoholic beverages by underage persons. Ought to Pass with Amendment.

The bill makes it a crime to loan a driver's license to an underage person for the purpose of allowing him to purchase alcohol. It further imposes a fee of \$20.00 for reinstatement of any license which has been suspended. Vote 10-6. Rep. Kendall W. Lane for Judiciary.

Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Operator's License Suspended. Amend RSA 263 by inserting after section 57 the following new sections:

263:57-a Suspension for Illegal Use of Operator's License. Any person 20 years of age or older who knowingly loans his operator's license to another person under the legal age of 20 years for use as identification to enable the underage person to purchase or consume any liquor or beverage as defined by RSA 175:1, shall upon conviction, have his license or his right to operate a motor vehicle suspended for a period of at least 30 but not more than 120 days.

263:51-b Suspended License Fee. Prior to reinstatement of any license which has been suspended under any provision of this title, the licensee shall pay a fee of \$20 to the division of motor vehicles. All funds received by the division pursuant to this section shall be deposited in the general fund.

2 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Rep. Ellyson spoke to the Committee report.

Ordered to third reading.

SB 145, relative to licensee and permittee violations of certain liquor commission laws and rules. Ought to Pass with Amendment.

This bill grants to our courts the power to adjudicate and punish liquor establishments for the violation of our state's liquor laws and/or liquor regulations by granting them the power to levy fines for violations and, in the case of subsequent offenses, the power to suspend liquor licenses. Rep. Gregory J. Ahlgren for Judiciary.

Rep. Sytek moved that the words, Refer for Interim Study, be substituted for the Committee report, Ought to Pass with Amendment, and spoke to her motion.

Adopted.  
Referred for Interim Study.

SB 131, relative to certain retirement pay and unemployment compensation benefits. Inexpedient to Legislate.

The Committee voted Inexpedient because the same subject matter is contained in HB 743, now before the Senate. Vote 10-2. Rep. John W. Flanders for Labor, Human Resources and Rehabilitation.

Resolution adopted.

HBI 2003, relating to the costs of search and rescue missions in the White Mountains. Inexpedient to Legislate.

The Committee agrees with the sponsor of HBI 2003 as to the importance of maintaining an ongoing dialogue with the federal government relative to the costs to the State of New Hampshire, both in financial terms and in terms of loss of life, of search and rescue missions in the White Mountain National Forest. However, the Committee does not believe that it is the proper vehicle for pursuing the problem with the federal government since it would duplicate the efforts of the Governor's Committee on Search and Rescue headed by former Senator Raymond Conley, which has been in existence for two years. The Conley Committee is in the process of being reestablished by Executive Order. A copy of this report and HBI 2003 will be forwarded to the Conley Committee. Vote 18-0. Rep. Phoebe A. Chardon for Resources, Recreation and Development.

Rep. Ingram moved that the words, Ought to Pass, be substituted for the Committee report, Inexpedient to Legislate, and spoke to her motion.

Rep. Chardon spoke against the motion.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)  
YEAS 99 NAYS 233  
YEAS 99

BELKNAP: Dexter, Holbrook and David Whittemore.

CARROLL: Ashnault, Hraba, Kenneth MacDonald and Murphy.

CHESHIRE: Eugene Clark, Daniel Eaton, Galloway, Hickey, Elmer Johnson, Matson, Perry, Margaret Ramsay and William Riley.

COOS: Bideau, Guay, Oleson and Theriault.

GRAFTON: Chambers, Driscoll, Duggan, Easton, Michael King, McAvoy, Stewart and Ward.

HILLSBOROUGH: Abrams, Ahlgren, Arris, Baker, Boutwell, John Burns, Fields, Fried, Gelinis, Grasso, George Hawkins, Daniel Healy, Walter Healy, Kaklamanos, Kashulines, Evelyn King, Leclerc, Lynde, Nickerson, Nute, O'Rourke, Reidy, Soucy, Spirou, Talbot, Vachon, Geraldine Watson, Kenneth

Wheeler, Robert Wheeler, James J. White, Winn and Zajdel.

MERRIMACK: Bibbo, Samuel Clark, Daniell, Degnan, LaBranche, Walter Robinson and Lawrence Sullivan.

ROCKINGHAM: Ames, Bangs, Blake, Blanchette, Case, Cotton, Ellyson, Harry Flanders, John Hynes, Katsakiores, Glenden Kelley, Leslie, LoFranco, Longworth, Joseph MacDonald, Mace, Newman, Sherburne, Skinner, Sloan and Webster.

STRAFFORD: Chagnon, Chamberlin, Albert Dionne, Donnelly, Hussey, Kincaid and Pelley.

SULLIVAN: Converse, Flint, Ingram and Irwin.

NAYS 233

BELKNAP: Birch, Bolduc, Bowler, Gary Dionne, French, Golden, Hardy, Robert Hawkins, Lamprey, Matthew Locke, Pearson and Zeckhausen.

CARROLL: Chase, Dickinson, Heath, Robert Holmes, McIntire, Powers and Saunders.

CHESHIRE: Barher, Boulter, Crane, Davis, Eisengrein, Gordon, Grodin, Kennedy, Lane, David Meader, Michaelides, Miller, Morse, Parker, Scranton and William Sullivan.

COOS: Harold Burns, Chappell, Chardon, Horton, David King, Langley, George Lemire and Valliere.

GRAFTON: Blair, Christy, Crory, Densmore, Downing, Girouard, Harnish, Hutchings, Wayne King, LaMott, Logan, Rounds, Taffe, Walter, Weymouth and Whitcomb.

HILLSBOROUGH: Dehora Ahern, Richard Ahern, Ahrens, Arnold, Bass, Bergeron, Brack, Leslie Burns, Carragher, Cote, Craig, Cronin, Donovan, Duffett, Duprey, Durant, Joseph Eaton, Ford, Gagnon, Galway, Grip, Harrington, Head, Hendrick, Humphrey, Thomas Hynes, Jean, Katsiaficas, Keefe, Robert Kelley, Knight, Labombarde, John Lawrence, Lefebvre, David Lemire, Roland Lemire, Levesque, Lyons, Martineau, Howard Mason, Migneault, Morrisette, Nelson, Paradis, Parmenter, Pressly, Quinn, Raiche, Peter Ramsey, Resch, Robie, Ellen-Ann Robinson, Russell, Sallada, Silva, B. P. Smith, Steiner, James Sullivan, Mary Sullivan, Sylvia, Tamposi, Turgeon, John Wallace, Harold Watson, Emma Wheeler, Eleanor Whittemore and Lucille Wood.

MERRIMACK: Allgeyer, Bardsley, Laurent Boucher, Bowes, Chynoweth, Gross, Mary Holmes, Jacobson, Kidder, Kinhan, Lewis, Mercier, Nichols, Pannell, Parrish, Phelps, Doris Riley, William Roberts, Rogers, Savaria, Shepard, Gerald R. Smith, Stark, Stio, Trombly, Wallner and James Whittemore.

ROCKINGHAM: Belanger, Beliveau, Benton, Blaisdell, Blanchard, William Boucher, Burdick, Campbell, Carpenito, Connors, Cressy, Danderson, Flanagan, John Flanders, Beverly Gage, Greene, Hollingworth, Joslyn,

Kane, Keenan, Roger King, Kozacka, Krasker, Lovejoy, Malcolm, Robert Mason, William Moore, Nagel, Nevins, Newell, Palumbo, Pantelakos, Pevear, Popov, Quimby, Romoli, Rosencrantz, Scamman, Schmidtchen, Schwaner, Simon, Sochalski, Splaine, Stork, Sytek, Tavitian, Tufts, Vecchione, Walker, Warburton, Raymond Wood and Woodward.

STRAFFORD: Appleby, Belhumeur, Bernard, Blouin, Bouchard, Couture, Demers, Dingle, Hennessey, Robert Jones, Joos, Lussier, Paul Meader, Musler, Francis Robinson, Schreiber, Gerald L. Smith, Timm and Franklin Torr.

SULLIVAN: Brodeur, Carlson, Cutting, D'Amante, Gray, Paul Johnson, Palmer, Reney and Townsend, and the motion lost.  
Resolution adopted.

SB 72-FN, relative to transferring necessary rights and easements in and to certain dams to the water resources board. Refer for Interim Study.

The Committee feels that the subject matter covered in SB 72 is similar to HB 549 which was sent to Interim Study. The Dam Maintenance Review Committee will evaluate the status of dams and agencies' ownership as well as policies affecting usage. Vote 16-0. Rep. Virginia M. Banks for Resources, Recreation and Development.

Rep. Dickinson moved that the words, Ought to Pass with Amendment, be substituted for the Committee report, Refer for Interim Study, and spoke to his motion.

Motion adopted.

Rep. Dickinson offered an amendment.

#### Amendment

Amend RSA 482-P:11 as inserted by section 1 of the bill by striking out paragraph V.

Amend RSA 482-P:2 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

482-P:2 Repairs and Restoration. After the transfer authorized in RSA 482-P:1, the water resources board shall, from time to time, make repairs and restorations to those dams most in need of repair or restoration so as to serve the interests of the state. Federal or other matching funds or grants may be used in combination with moneys from the dam maintenance fund established under RSA 481:30 to accomplish the needed repair or restoration. The water resources board is subject to the requirements set forth in RSA 481:33, relative to repairs or restoration.

Amend RSA 482-P:4 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

482-P:4 Additional Dams. The water resources board is further authorized to accept the transfer, of necessary rights and easements only, for purposes of maintenance and repair, of additional dams not listed in

this act from any state agency by mutual agreement.

The Acting Assisting Clerk read the amendment.

Rep. Dickinson explained the amendment and yielded to questions.

Rep. Paul Meader spoke in favor of the amendment.

Amendment adopted.

Ordered to third reading.

#### SENATE MESSAGES REQUESTS CONCURRENCE WITH AMENDMENT

HB 723-FN, relative to the board of tax and land appeals. (amendment printed SJ 5/26)

Rep. Scamman moved that the House concur. Adopted.

HB 96-FN, relative to special plates for former prisoners of war. (amendment printed SJ 5/24)

Rep. Tavitian moved that the House concur.

Adopted.

HB 753, to establish the incorporation of consumer cooperative associations with the state of New Hampshire. (amendment printed SJ 6/1)

Rep. Quimby moved that the House concur. Adopted.

HB 531-FN, relative to liquor and wine distribution. (amendment printed SJ 5/26)

Rep. Kenneth MacDonald moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Robert Mason, Robert Kelley, Phelps and Hennessey.

#### NONCONCUR WITH AMENDMENT REQUESTS COMMITTEE OF CONFERENCE

SB 195, relative to passing school buses.

Rep. Tavitian moved that the House accede.

Adopted.

The Speaker appointed Reps. Gordon, Stewart, Tavitian and Soucy.

Rep. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourn today it be to meet Monday, June 6 at 2:00 p.m.

Adopted.

#### LATE SESSION Third reading and final passage

SB 143-FN, making several changes in the criminal law and relative to the suspension of a person's driver's license or driving

privilege for failure to appear or pay a fine.

SB 152-FN, granting authority to the office of state planning to accept and expend community development block grant funds.

SB 112, relative to the establishment of jurisdiction over certain health insurers.

SB 113, relative to domestic and foreign insurers.

SB 115, relative to major medical insurance policies.

SB 164, to provide that the term of the chairman of the liquor commission shall be coterminous with the term of the governor.

SB 168, relative to the licensing of alarm installers.

SB 175-FN, relative to licensing automotive dismantlers and parts recyclers.

SB 55, relative to shooting human beings while on a hunting trip or shooting in the woodlands.

SB 144, relative to the illegal purchase of alcoholic beverages by underage persons.

SB 208, relative to business corporations.

SB 50-FN, relative to bingo and lucky 7.

SB 68, expanding the law enforcement authority of the director of safety services and allowing the regulation of so-called rafting and offshore anchoring.

SB 169, establishing a study committee to review the rules of the water supply and pollution control commission, which do not have anything to do with municipal systems and making an appropriation therefor.

HB 691-FN, providing for the calling of a constitutional convention and for a task force to study the state constitution and making an appropriation therefor.

SB 20, authorizing the town of Hampton to establish a solid waste management district.

HB 446-FN, establishing a department of transportation.

SB 157, to license independent clinical social workers.

SB 58-FN, providing a limited hunting season for moose.

SB 141, reinstating the option of appealing to the superior court in lieu of appealing to the board of tax and land appeals.

SB 100-FN, allowing employees to receive payments for certain supplemental plans without a reduction in their unemployment compensation benefits.

SB 3, recodifying the state planning and zoning laws.

SB 72-FN, relative to transferring necessary rights and easements in and to certain dams to the water resources board.

Rep. Rounds moved that the House stand in recess for the purpose of Introduction of Bills and Enrolling Reports only.

Adopted.

The House recessed at 6:36 p.m.

#### RECESS

(Speaker Pro Tem in the Chair)

Its introduction having been approved by the Rules Committee, Rep. Rounds offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, Senate Bill numbered 46, shall be by this resolution read a first and second time by the therein listed title, and referred to the therein designated committee.

Adopted.

#### INTRODUCTION OF SENATE BILL

First, second reading and referral

SB 46, establishing a division for children and youth services and making an appropriation therefor. (State Institutions)

#### RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn. Adopted.

#### RECONSIDERATION

Having voted with the prevailing side, Rep. French moved that the House reconsider its action whereby it killed SB 124, relative to designating approved care facilities.

Reconsideration failed.

# HOUSE JOURNAL 28

*Monday, 6Jun83*

The House assembled at 2:00 p.m., and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

Let us wait upon the Lord.

Those who wait upon the Lord shall renew their strength. They shall run and not grow tired. Teach us dear Lord how to put our trust in Your care and leading. Teach us how to have a daily quiet time to bring our inner thoughts and feelings into line with Your will. Teach us the patience that lets us work this day with the knowledge of Your guiding hand. Teach us that we work not alone. Let us wait upon the Lord. Amen.

Rep. David Whittemore led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Chisholm, Irwin, Drake, Zimmerman, Stimmell, Waldron, Flint, Woodward and Brideau, the day, illness.

Reps. Anderson, Musler, Nevins, Girouard, Soucy, Emma Wheeler, Gerald R. Smith, Hickey, Stylianos, Duffett, David Lemire, Charbonneau, Vecchione, Wells, Duggan, Schwaner, Valliere, Celinas and Winn, the day, important business.

Rep. Whiting, the day, death in the family.

## COMMUNICATION

Carl A. Peterson  
House Clerk

Dear Carl:

This is to advise that the following representatives were elected at special elections held in their districts on May 31, 1983:

Carroll County District No. 1  
Gene G. Chandler, r, Bartlett 03812

Grafton County District No. 9  
John B. Townsend, r, Plymouth (RD 2, Box 312) 03264

The Governor and Council are scheduled to meet next on June 14, 1983. We will notify the candidates and ask that they attend, so that they may be sworn into office.

Sincerely,  
Robert P. Ambrose  
Deputy Secretary of State

## SENATE MESSAGES CONCURRENCE

HB 579, relative to the impact of computerizing state agencies.

HB 511-FN, relative to school district liability for special education.

HB 512, relative to clarification of certain terms regarding school children.

HB 816, relative to the election of representatives to the general court and the election of delegates to state party conventions from the city of Keene.

HB 300-FN, allowing stepchildren and their spouses to inherit tax-free from a stepparent and to bequeath tax-free to a stepparent.

HB 546-FN, increasing the uncontested special session fee for probate judges.

HB 341-FN, consolidating the office space study committee with the capital planning committee.

HB 333-FN, relative to a lump sum death benefit for Lillian Palmer.

HB 743-FN, relative to unemployment compensation benefits.

HB 219-FN, establishing the ward lines for the city of Portsmouth and amending the Portsmouth city charter.

HB 618-FN, requiring binding arbitration in resolving labor disputes involving police and fire employees of certain cities.

HB 696-FN, amending the workmen's compensation laws to update language and rectify other matters.

HB 57, relative to the authority for regulating taking, inspection and processing of marine species.

HB 410-FN, creating a commission to study alternative procedures for the resolution of marital questions.

## REFERRED FOR INTERIM STUDY

HB 545, relative to party committees.

## NONCONCURRENCE

HB 449, relative to teacher tenure.

HB 230-FN, making participation in the wildlife management collection program mandatory.

HB 800-FN, relative to tuition benefits for math, science, industrial arts, and vocational education majors.

HB 824, relative to erection of

buildings on Class V and Class VI highways.

HB 405, relative to the form of ballots for state general elections.

HB 142-FN, relative to sunset review of the parole board and creating a department of probation and parole.

## CONCURRENCE WITH AMENDMENTS

SB 135, relative to the procedure for withdrawing from the New Hampshire retirement system for municipal officers and employees.

SB 12, increasing the minimum age for purchase, sale and consumption of alcoholic beverages to 21 years when Massachusetts and Maine have increased their minimum age to 21 years.

SB 29, relative to the department of centralized data processing.



ACCEDES REQUEST FOR  
COMMITTEE OF CONFERENCE

HB 297, establishing a committee to study ethics in government.

The President appointed Sens. Carswell, Wiggins and Bergeron.

## ENROLLED BILL REPORT

HB 1, relative to executive branch reorganization.

Rep. Francis Donovan  
Sen. Laurier Lamontagne  
For the Committee.

SENATE MESSAGES  
REQUESTS CONCURRENCE WITH AMENDMENT

HB 115-FN, relative to sunset review of the postsecondary education commission. (amendment printed SJ 5/31)

Rep. William Boucher moved that the House concur.  
Adopted.

HB 116-FN, relative to sunset review of the postsecondary education commission - N.H. incentive program. (amendment printed SJ 5/31)

Rep. William Boucher moved that the House concur.  
Adopted.

HB 137-FN, relative to sunset review of the department of health and welfare - division of welfare, clarifying the rulemaking authority of the division of welfare, requiring cost control reports and creating a joint committee on health care costs. (amendment printed SJ 5/31)

Rep. Head moved that the House concur.  
Adopted.

HB 263, providing for a short form of acknowledgment on self-proved wills. (amendment printed SJ 5/31)

Rep. Sytek moved that the House concur.  
Adopted.

HB 265, limiting the grounds for eviction of tenants from certain rental units and eliminating appeals to the superior court in landlord-tenant cases. (amendment printed SJ 5/31)

Rep. Quimby moved that the House concur.  
Adopted.

HB 567, relative to service station dealers. (amendment printed SJ 5/31)

Rep. Quimby moved that the House concur.  
Reps. Head, Nute and Quimby spoke in favor of the motion.

Rep. Chase spoke against the motion.  
Rep. Spirou spoke in favor of the motion and yielded to questions.

Rep. French moved the previous question. Sufficiently seconded. Adopted.  
Motion adopted.

HB 338-FN, relative to fees collected by the registers of deeds in Carroll and Coos counties. (amendment printed SJ 5/31)

Rep. Mann moved that the House concur.  
Adopted.

HB 379, to require sticker prices on trucks. (amendment printed SJ 5/31)  
Rep. Quimby moved that the House concur.  
Adopted.

HB 414, to remove prohibitions against companion animals in housing for the elderly. (amendment printed SJ 5/25)

Rep. Mann moved that the House concur.  
Adopted.

HB 499-FN, increasing the period of discontinuation of or disqualification for food stamp assistance. (amendment printed SJ 5/31)

Rep. Head moved that the House concur.  
Adopted.

HB 818, relative to group legal insurance. (amendment printed SJ 5/31)

Rep. Quimby moved that the House concur.  
Adopted.

HB 830, relative to termination of parental rights. (amendment printed SJ 6/1)

Rep. Head moved that the House concur.  
Adopted.

HB 820-FN, relative to the supervision of a person who has been discharged from a mental health facility after receiving treatment for mental illness. (amendment printed SJ 5/31)

Rep. Head moved that the House concur.  
Adopted.

HB 831, transferring the licensing of child care agencies from the division of welfare to the department of health and welfare. (amendment printed SJ 5/31)

Rep. Head moved that the House concur.  
Adopted.

HB 607-FN, to provide for recovery of money obtained through welfare fraud or abuse. (amendment printed SJ 6/2)

Rep. Head moved that the House concur.  
Adopted.

HB 658, relative to special education for certain minors and children. (amendment printed SJ 6/2)

Rep. William Boucher moved that the House concur.  
Adopted.

HB 88, relative to the inspection of amusement rides. (amendment printed SJ 6/2)

Rep. Benton moved that the House concur.  
Adopted.

HB 233-FN, relative to the licenses for bait dealers. (amendment printed SJ 6/1)

Rep. French moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Doris Riley, Albert Dionne, Theriault and French.

HB 381, legalizing the name "Contoocook Village Precinct," legalizing certain meetings and authorizing the collection of taxes on certain dates in the town of Londonderry. (amendment printed SJ 6/1)

Rep. Mann moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Perry, Grodin, Lamprey and Roger King.

HB 727-FN, relative to fees for criminal record checks and for private detectives and security guard services. (amendment printed SJ 5/26)

Rep. Benton moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Benton, John Flanders, Musler and Fields.

HB 465, relative to proceedings before the water resources board. (amendment printed SJ 6/1)

Rep. Paul Meader moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Dickinson, Paul Meader, Lewis and Lyons.

HB 178, relative to utilities' eminent domain procedures. (amendment printed SJ 6/1)

Rep. Quimby moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Harold Burns, Allgeyer, Leslie Burns and Lynde.

HB 127, relative to sunset review of the higher education fund - University of New Hampshire system administration. (amendment printed SJ 5/31)

Rep. William Boucher moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. William Boucher, Taffe, Keefe and Bolduc.

#### NONCONCURS WITH AMENDMENT REQUESTS COMMITTEE OF CONFERENCE

SB 176, relative to insurance coverage for residential psychiatric treatment. (amendment printed SJ 5/24)

The President appointed Sens. Freese, Bergeron and Blaisdell.

Rep. Quimby moved that the House accede.

Adopted.

The Speaker appointed Reps. Quimby, Lucille Wood, Harold Burns and Leslie Burns.

#### ENROLLED BILL AMENDMENT

HB 840-FN, relative to railroad right-of-way preservation.

#### Amendment

Amend section one of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

section 60-b the following new section:

228:60-c Railroad Right-of-way Preservation.

This amendment changes the amending language to section one of the bill and renumbers the new section inserted by section one of the bill because of the passage of HB 620.

Adopted.

#### OPINION OF THE JUSTICES

May 6, 1983

The following request of the House of Representatives for an opinion of the justices was adopted April 20, 1983, and filed with the Supreme Court on April 22, 1983:

WHEREAS, there is presently pending before the House of Representatives HB 674-FN, An Act relative to a uniform business tax, to which there has been proposed an amendment subsequent to the Opinion of the Justices, dated May 6, 1983, and

WHEREAS, HB 674-FN, if said amendment is adopted, would impose a tax on business organizations which are currently subject to a tax on their net income under the business profits tax, RSA 77-A, and

WHEREAS, HB 674-FN with said proposed amendment does not repeal the business profits tax, RSA 77-A, but provides for a credit against the tax imposed pursuant to RSA 77-A for the uniform business tax paid pursuant to RSA 77-E, and

WHEREAS, HB 674-FN with the proposed amendment establishes a distinct class of property defined as the business organization's "tax base" with respect to which the uniform business tax is imposed which is intended to be distinct from "taxable business profits" or "net profits" which are currently subject to taxation under RSA 77-A, and

WHEREAS, the stated purpose of the bill is to spread the burden of taxation more equally among all business organizations, now therefore be it

RESOLVED, by the House of Representatives that the Justices of the Supreme Court be respectfully requested to give their opinion upon the following questions:

1. Would the establishment of a class of property known as "tax base" as provided for in HB 674-FN with said amendment create a class of property distinct from "taxable business profits" or "net profits" as defined in RSA 77-A so as to allow each class to be taxed differently without violating the provisions of Part I, Article 12 and Part II, Article 5 of the New Hampshire Constitution?

2. Would enactment of HB 674-FN with the proposed amendment, which would impose a uniform business tax on a business organization's tax base and provides for a credit for all taxes paid pursuant thereto against the business organization's tax imposed by RSA 77-A, violate the provisions of Part I, Article 12 and Part II, Article 5 of the New Hampshire Constitution?

3. Would enactment of HB 674-FN with said proposed amendment violate any other provision of the New Hampshire Constitution?

That the Clerk of the House transmit 7 copies of this resolution to the Justices of the Supreme Court together with an equal number of copies of HB 674-FN and the proposed amendment.

The following answers were returned:

To the House of Representatives: The Justices of the Supreme Court submit the following answers to your questions with respect to House Bill 674. Interested parties were permitted to file memoranda until May 2, 1983; however, none were received.

House Bill 674 would repeal the "business profits tax," RSA chapter 77-A, and replace it with a "uniform business tax." The bill, like House Bill 316, is aimed both at equalizing the tax burden borne by New Hampshire business organizations and at providing additional State revenues.

House Bill 674 would impose a tax of one percent upon what is called the "tax base" of every business organization in this State. "Tax base" is defined as "taxable income," reduced by a method of apportionment, and increased or decreased by certain adjustments, including a \$25,000 blanket deduction. See House Bill 674, proposed RSA 77-E:1, IV. The bill also provides credits for State franchise, banking and insurance taxes. See House Bill 674, proposed RSA 77-E:5. It should be noted that the general statutory scheme and most of the specific deductions, the apportionment formula, and the credits provided in House Bill 674 have been adopted verbatim from RSA chapter 77-A. The most significant difference between the bill and the current taxation scheme is that the bill disallows any deductions for compensation and benefits in calculating taxable income. A comparison of the existing scheme under RSA chapter 77-A and that proposed in House Bill 674 reveals how this is accomplished.

The current tax is imposed on "taxable business profits," which, as we stated in Part I of this opinion, is essentially "net" taxable business income. "Taxable business profits" is calculated from a starting base called "gross business profits," RSA 77-A, IV (Supp. 1981). "Gross business profits" is defined separately for each type of business organization; namely, corporations, partnerships, proprietorships, and trusts and estates. RSA 77-A:1, III (a)-(d) (Supp. 1981 & 1982). The most significant feature of these separate definitions is the differing treatment of compensation paid to corporate officers or executives, and that paid to partners and proprietors.

In calculating "gross business profits," corporations begin with what is shown as "taxable income" on their federal income tax returns. Federal "taxable income" already takes into account deductions for compensation paid to corporate officers. Proprietorships begin with what would be shown as federal "net profit," which does not include a deduction for the proprietor's compensation. Partnerships start with their

federal "ordinary income," increased by the amount paid to partners and items of income or deductions specifically allocated to partners.

In order to equalize the disparity inherent in these definitions of "gross business profits," however, RSA chapter 77-A provides a special deduction for partnerships and proprietorships, in an amount "equal to a fair and reasonable compensation for the personal services of the proprietor or partners . . . ." RSA 77-A:4, IV (Supp. 1981). The justices of this court have previously advised that such a deduction is not only reasonable, but necessary in order to avoid discrimination against certain business organizations "by placing a partner or sole proprietor on a par with the salaried executive . . . ." Opinion of the Justices, 110 N.H. at 123, 262 A.2d at 295.

As previously mentioned, House Bill 674 defines the starting base for businesses as being "taxable income," see House Bill 674, proposed RSA 77-E:1, IV. The definitions of "taxable income" have been taken almost verbatim from the current scheme's definitions of "gross business profits." Compare RSA 77-A:1, III (a)-(d) (Supp. 1981 & 1982) with House Bill 674, proposed RSA 77-E:1, III (a)-(d). In other words, corporations would begin with their federal "taxable income" reflecting the prior deduction of executive salaries and compensation, whereas partnerships begin with federal "ordinary income," but are required to add to that figure all compensation paid to partners; proprietorships begin with "net profits."

In contrast to the existing scheme under RSA chapter 77-A, House Bill 674 equalizes the initial disparity by means of an adjustment, which requires the addition of all compensation and benefits deducted by the taxpayer in arriving at "federal taxable income." See House Bill 674, proposed RSA 77-E:4, II(c). Corporations thus appear to be put on an equal footing with partnerships and proprietorships, through a uniform disallowance of deductions for compensation or benefits.

We note in passing that we have construed the terms "taxable income" and "federal taxable income," in the section providing for adjustments, as being synonymous. Compare House Bill 674, proposed RSA 77-E:4, with id. :4, I & II. A contrary interpretation would render the section unconstitutional. Specifically, if use of the term "federal" made the adjustments section applicable solely to corporations, whose federal "taxable income" is used elsewhere in the statute as a term of art, the section would not make the adjustments uniformly available to all business organizations.

We turn now to the first question presented, namely, whether "tax base" is a taxable class of property under part two, article six of the New Hampshire Constitution. We stated in Part I, with respect to House Bill 316's proposed alternate business profits tax, that "alternate business profits," if defined simply as gross business income, would be a

constitutionally taxable class of property, and that the constitutional validity of taxing "alternate business profits" as a class of property depended upon the specific adjustments, deductions, and credits used in arriving at it. Insofar as the adjustments to "taxable income" under House Bill 674, proposed RSA 77-E:4, II, equalize the starting bases of all business organizations under the uniform business tax scheme, our inquiry here is no different.

In addition to their role in equalizing the "tax base," the adjustments contained in House Bill 674, proposed RSA 77-E:4, II, appear to be a reasonable means of enlarging the taxable class of property beyond the narrower base existing under the present business profits tax. The evident purpose of taxing businesses before compensation and benefits are deducted is to spread the burden of taxation more fairly throughout the State, by including those taxpayers who may currently avoid the business profits tax through distribution of profits in the form of "compensation." The respective adjustments for depreciation deductions by those businesses owning property, and for lease deductions by those businesses renting property, are similarly designed to enable the State to tax business property more broadly than is possible under the current system, due to generous deductions provided by the federal income tax laws.

House Bill 674, proposed RSA 77-E:4, I, provides for adjustments to taxable income in the form of allowable deductions, the most significant of which appears to be the blanket \$25,000 deduction. This deduction appears to meet constitutional requirements, as its amount is reasonable and uniform, and it is available to all businesses. We perceive no constitutional infirmities in the other deductions provided, which correspond largely to deductions allowed under RSA chapter 77-A, as they avoid either double taxation or possibly unconstitutional taxation of United States government securities. See Memphis Bank & Trust Co. v. Garner, 103 S.Ct. 692 (1983) (State tax scheme under which income from State obligations is exempted from tax base but income from federal obligations is included, is impermissible under 31 U.S.C. Section 742 and U.S. Constitution.)

The apportionment provided for in proposed RSA 77-E:3, also a carry-over from the business profits tax, is necessary in order to comply with the due process and commerce clauses of the United States Constitution, see, e.g., Mobil Oil Corp. v. Commissioner of Taxes, 445 U.S. 425, 436-37 (1980), and appears to be a reasonable means of allocating business income earned within and without New Hampshire.

Finally, the credits for State franchise, banking, and insurance taxes allowed in House Bill 674, proposed RSA 77-E:5, apply uniformly to all businesses for the purpose of preventing double taxation and merely correspond to credits now provided under RSA chapter 77-A.

For the foregoing reasons, we conclude that "tax base" as defined in House Bill 674 is a taxable class of property under part two, article six of the New Hampshire

Constitution. We therefore answer the first question in the negative.

The second question presented is whether imposition of a tax on a business organization's tax base, which is determined after the blanket \$25,000 deduction, but without regard to any compensation and benefits deductions, impermissibly classifies taxpayers under our Constitution. As discussed in Part I, this question requires a determination of whether the same class of property is being taxed differently so that taxpayers who ought to be treated equally are in fact being subjected to disparate schemes of taxation and to differing tax burdens. Unlike House Bill 316, which seeks to establish alternate taxation of the same class of property, House Bill 674 would establish a uniform percentage tax on the "tax base" of all business organizations. We conclude, therefore, that, to the extent the formula for calculating "tax base" treats all business organizations in a substantially equivalent manner, House Bill 674 does not impermissibly classify taxpayers under part one, article twelve or part two, article five of the State Constitution.

The references to Opinion of the Justices, 106 N.H. 202, 208 A.2d 458 (1965), both in this request for an opinion of the justices and in that with respect to House Bill 316, appear to be based upon a possible misconception of the import of that opinion. The bill at issue there would have taxed business income derived from "personal services;" however, it excluded the income derived from the personal services of employees. As a result, proprietors and other self-employed individuals would have paid a tax on income from their own personal services, but income derived from the personal services of employees would have been tax-exempt. The justices of this court determined that such a tax was not only unconstitutional because it favored corporations, but also irrational, as the targeted self-employed professional could simply incorporate his business, become an "employee," and thereby avoid payment of the tax. The justices also stated that, just as the businesses of individuals could not be unequally burdened, so "a tax imposed on corporations, while allowing individuals engaged in like businesses or vocations to go free, is unconstitutional." Id. at 206, 208 A.2d at 461.

In other words, the legislature could not tax a certain type of business activity, or even business activities in general, but then exempt certain forms of business organizations from payment of the tax. This is an entirely different proposition from the legislature's unquestionable right to classify a "sufficiently distinctive class" of property, for example, petroleum products, and subject all producers of that product to a uniform tax. Opinion of the Justices, 117 N.H. 749, 755, 379 A.2d 782, 786 (1977); Opinion of the Justices, 114 N.H. 174, 177, 317 A.2d 568, 570 (1974).

In short, the Opinion of the Justices in 106 N.H. 202, does not stand for the proposition that a tax on business income constitutionally must allow business organizations to deduct compensation and



benefits. Previous opinions of the justices require merely that, to the extent a certain deduction or exemption, for example a deduction for compensation paid, is allowed, it must be available to all business organizations. Thus, if corporations are allowed to deduct executive salaries, partnerships and proprietorships must also be allowed a compensation deduction for the salaries of persons occupying similar positions.

We understand the legislative concern here to be that the proposed tax, while a tax on business income in the form of "tax base," might have the practical effect of being a tax on the income of sole proprietors or partners, since the personal income of such individuals is essentially the net profit derived from their businesses' income. We are not, however, dealing with personal income tax schemes in the proposed bills, which would require us to examine whether certain classes of individuals were being exempted from tax payments, or being singled out for disproportionately burdensome payments.

The tax proposals before us relate to business organizations and business incomes. As was earlier stated, "business income may reasonably be classified separately from salaries, wages, and unearned income of individuals." Opinion of the Justices, 110 N.H. at 123, 262 A.2d at 295. While it is true that under House Bill 674, for example, the self-employed plumber whose business had a taxable income in excess of \$25,000 would be subject to a tax, whereas the salaried plumber would not, it is equally apparent that the latter individual works for an entity that is being taxed - namely the business which employs him.

In summary, we believe that taxation of a business organization's "tax base" determined after a uniform \$25,000 deduction, but without any compensation deductions, does not impermissibly classify taxpayers in violation of the New Hampshire Constitution. Accordingly, we answer question two in the negative.

The final question presented is whether imposition of a uniform percentage tax on a business organization's "tax base" violates the requirements of equality and proportionality under part one, article twelve and part two, article five of our Constitution. Unlike the \$250.00 minimum business profits tax struck down in Johnson & Porter Realty Co. v. Commissioner of Revenue Administration, the uniform business tax would not "result // in a tax at a graduated rate, since it is not assessed "without reference to . . . gross income . . ." 122 N.H. at 698, 448 A.2d at 436. For this reason, and in light of our responses to questions one and two, we believe that imposition of a percentage uniform business tax as proposed in House Bill 674 would satisfy the equality and proportionality mandates of the State Constitution. We answer question three in the negative.

John W. King  
Maurice P. Bois  
Charles G. Douglas III  
David A. Brock  
William F. Batchelder

## OPINION OF THE JUSTICES

May 18, 1983

The following resolution of the House of Representatives for an opinion of the justices was adopted May 12, 1983, and filed with the Supreme Court on May 12, 1983.

WHEREAS, there is presently pending before the House of Representatives HB 674-FN, An Act relative to a uniform business tax, to which there has been proposed an amendment subsequent to the Opinion of the Justices, dated May 6, 1983, and

WHEREAS, HB 674-FN, if said amendment is adopted, would impose a tax on business organizations which are currently subject to a tax on their net income under the business profits tax, RSA 77-A, and

WHEREAS, HB 674-FN with said proposed amendment does not repeal the business profits tax, RSA 77-A, but provides for a credit against the tax imposed pursuant to RSA 77-A for the uniform business tax paid pursuant to RSA 77-E, and

WHEREAS, HB 674-FN with the proposed amendment establishes a distinct class of property defined as the business organization's "tax base" with respect to which the uniform business tax is imposed which is intended to be distinct from "taxable business profits" or "net profits" which are currently subject to taxation under RSA 77-A, and

WHEREAS, the stated purpose of the bill is to spread the burden of taxation more equally among all business organizations, now therefore be it

RESOLVED, by the House of Representatives that the Justices of the Supreme Court be respectfully requested to give their opinion upon the following questions:

1. Would the establishment of a class of property known as "tax base" as provided for in HB 674-FN with said amendment create a class of property distinct from "taxable business profits" or "net profits" as defined in RSA 77-A so as to allow each class to be taxed differently without violating the provisions of Part I, Article 12 and Part II, Article 5 of the New Hampshire Constitution?

2. Would enactment of HB 674-FN with the proposed amendment, which would impose a uniform business tax on a business organization's tax base and provide for a credit for all taxes paid pursuant thereto against the business organization's tax imposed by RSA 77-A, violate the provisions of Part I, Article 12 and Part II, Article 5 of the New Hampshire Constitution?

3. Would enactment of HB 674-FN with said proposed amendment violate any other provision of the New Hampshire Constitution?

That the Clerk of the House transmit 7 copies of this resolution to the Justices of the Supreme Court together with an equal number of copies of HB 674-FN and the proposed amendment.

The following answers were returned:



To the House of Representatives:

The undersigned Justices of the Supreme Court reply as follows to the questions contained in your resolution adopted May 12, 1983, regarding certain amendments to House Bill 674. Interested parties were permitted to file memoranda until May 16, 1983; however, none was received.

In our recent opinion of May 6, 1983, we advised you regarding both House Bill 674 and House Bill 316, the latter of which would have established a one percent tax on "alternate business profits." We expressed our opinion that a one percent tax on "alternate business profits," defined in House Bill 316 as a business' gross income subject to reasonable and uniform credits, deductions, and adjustments, would constitute a constitutionally taxable class of property under part two, article six of the New Hampshire Constitution.

We also expressed our opinion, however, that "alternate business profits" as defined in House Bill 316, and "taxable business profits" as defined in RSA chapter 77-A were both essentially classifications of one class of property; namely, business income. For that reason, we said that taxation of "alternate business profits" and "taxable business profits" at differing rates would be unconstitutional and also, that to require the payment of taxes on both, could result in double taxation in a manner not permitted under our constitution.

We were of the opinion that a one percent tax on "tax base," as defined and outlined in House Bill 674, would be a legitimate exercise of the legislature's power to classify property under our constitution. Because House Bill 674 would have replaced the existing scheme, RSA chapter 77-A, with a new scheme, RSA chapter 77-E, the bill raised no problems with respect to either double taxation or imposition of taxes at differing rates on the same class of property.

The proposal now before us would retain the eight percent tax imposed on "taxable business profits" under RSA chapter 77-A, and would also impose a one percent tax on "tax base" as defined in House Bill 674, proposed RSA chapter 77-E. The tax paid pursuant to proposed RSA chapter 77-E would be allowed as a credit against any tax due under RSA chapter 77-A.

"Tax base" as defined in House Bill 674 is substantially similar to "alternate business profits" as defined in House Bill 316. It is apparent that both are simply slightly different and broader definitions of business income than is "taxable business profits" under RSA chapter 77-A. For the reasons stated in our advice with respect to House Bill 316, we therefore do not believe that a one percent tax on "tax base" can be imposed at the same time as an eight percent tax on "taxable business profits." To do so would similarly result in the imposition of differing rates of tax on essentially the same class of property.

The proposed amendments to House Bill 674 would, in addition, run afoul of the double taxation prohibition in our constitution. As we noted in our May 6,

1983 opinion, most of the provisions of House Bill 674, proposed chapter 77-E, were taken verbatim from the existing scheme, RSA chapter 77-A, including the federally based definitions of "taxable income," "ordinary income," and "net income" as starting points for the computation of the tax, the various credits and deductions, and the apportionment system. The only difference of significance between proposed RSA chapter 77-E and existing RSA chapter 77-A is the requirement that amounts previously deducted from "taxable business profits" for leases, depreciation, compensation and benefits be included in the computation of "tax base."

Under House Bill 674, as amended, the current tax on "taxable business profits" pursuant to RSA chapter 77-A would be retained, apparently because of a concern that for some businesses, the present eight percent tax on "taxable business profits" would exceed the proposed one percent tax on "tax base." In order to avoid this potential revenue shortfall, two taxes would be imposed, but a credit for the amount paid pursuant to proposed RSA chapter 77-E, would be allowed against that levied pursuant to RSA chapter 77-A. It is equally apparent, however, that this gives rise to the precise double taxation problem we adverted to in our response to House Bill 316.

A business organization which would be required to pay any tax pursuant to RSA chapter 77-A, would be paying tax on property which had already been included and taxed in "tax base" under proposed RSA chapter 77-E. This is because, as we stated above, the only difference between "tax base" and "taxable business profits" is the inclusion in "tax base" of sums previously deducted from "taxable business profits" for leases, depreciation, compensation and benefits. House Bill 674 as amended would therefore result in unconstitutional double taxation.

That is not to say, however, that if a separate tax were imposed on items such as compensation or payroll, to the extent that they are not presently taxed under RSA chapter 77-A, a constitutional problem would arise. Similarly, provision of a credit for the amount of that tax against the tax due under RSA chapter 77-A, would be within the broad powers allotted to our legislature. As long as all business organizations in this State were subject to both tax schemes, and as long as the credit, if so provided, were available to all on a uniform and equal basis, such legislative action would not violate the constitutional requirements of reasonableness and uniformity.

As we have previously stated:

"The power of the legislature to classify property as taxable or non-taxable is a broad one, . . . . Classification of property by kind has always been recognized as proper. So, too, classification by use is said to be permissible. So long as there is a reasonable line of demarcation, and there is no attempt to make taxability depend upon a classification of owners, the legislative power in this matter is supreme." Opinion of the Justices, 84 N.H. 559, 569, 149 A. 321, 326 (1930) (citation omitted); quoted in Havens v. Attorney-General, 91 N.H. 115, 118, 14 A.2d 636, 638 (1940).

Justices of this court have previously found a wide variety of tax schemes to be constitutional so long as the property being taxed was "sufficiently inclusive to constitute a distinctive class." Opinion of the Justices, 114 N.H. 174, 177, 317 A.2d 568, 570 (1974). In Opinion of the Justices, 111 N.H. 136, 139-40, 276 A.2d 821, 822-23 (1971), justices of this court indicated that a three percent tax on personal incomes could co-exist with a six percent tax on "taxable business profits." It was stated there that since "the personal income to be taxed would not include income taxable under RSA chapter 77-A (supp.) as business profits, but would include income from wages, salaries, and unearned income," and because the tax would "differ in its essential characteristics" from the tax imposed under RSA chapter 77-A, no constitutional problem was thus posed by the bill. Id. 276 A.2d at 823.

Accordingly, our answer to question one is "no," our answer to question two is "yes;" and in light of the answers given, we need not address question three.

John W. King  
Maurice P. Bois  
Charles G. Douglas, III  
David A. Brock  
William F. Batchelder

#### COMMITTEE REPORT

HB 674-FN, relative to a uniform business tax. Ought to Pass with Amendment.  
HB 674-FN raises the Business Profits Tax to a flat rate of 10 percent. The 13.5 percent surtax passed in 1981 will lapse June 30, 1983. HB 674-FN, as amended, sets the rate to 10 percent. Estimated revenue is \$18,500,000. Vote 12-7. Rep. Marjorie Y. Peters for Ways and Means.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

increasing the tax rate imposed under the business profits tax.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Tax Increased. Amend RSA 77-A:2 (supp) as inserted by 1970, 5:1 as amended by striking out said section and inserting in place thereof the following:

77-A:2 Imposition of Tax. A tax is imposed at the rate of 10 percent upon the taxable business profits of every business organization.

2 Application. This act shall apply to returns and taxes due on account of taxable periods ending on or after July 1, 1983.

3 Effective Date. This act shall take effect July 1, 1983.

Reps. Scamman and Kidder explained the amendment and yielded to questions.

Reps. Zeckhausen, Spirou and Daniell spoke against the amendment.

Reps. Ahrens, Margaret Ramsay and Scranton spoke in favor of the amendment.

Rep. Michael King spoke against the amendment and yielded to questions.

Reps. Stevens and LaMott spoke in favor of the amendment and yielded to questions.

Rep. Kidder spoke a second time and yielded to questions.

Rep. John Flanders moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 174 NAYS 152

YEAS 174

BELKNAP: Dexter, French, Golden, Hardy, Holbrook, Nighswander, Pearson, Randall, Sanders and David Whittemore.

CARROLL: Kenneth MacDonald, McIntire, Murphy, Powers and Saunders.

CHESHIRE: Davis, Daniel Eaton, Galloway, Gordon, Grodin, Elmer Johnson, Lane, Miller, Morse, Perkins, Margaret Ramsay and Scranton.

COOS: Harold Burns, Chardon, Horton, Langley and Oleson.

GRAFTON: Blair, Christy, Downing, Driscoll, Easton, Harnish, LaMott, Mann, Rounds, Stevens, Stewart, Taffe, Walter, Weymouth and Whitcomb.

HILLSBOROUGH: Richard Ahern, Ahrens, Arnold, Bass, Boutwell, Burkush, Leslie Burns, Carragher, Craig, William Dion, Duprey, Durant, Joseph Eaton, Ford, Grasso, Grip, Harrington, George Hawkins, Head, Humphrey, Thomas Hynes, Keefe, Robert Kelley, Knight, Labombarde, John Lawrence, Lefebvre, Martineau, Howard Mason, Nelson, Nickerson, Marjorie Peters, Pressly, Quinn, Resch, Ellen-Ann Robinson, Russell, Silva, B. P. Smith, Steiner, James Sullivan, Tamposi, Van Loan, Ware, Geraldine Watson, Eleanor Whittemore and M. Arnold Wight.

MERRIMACK: Allgeyer, Bardsley, Bibbo, Laurent Boucher, Bowes, Cate, Dean, Gross, Mary Holmes, Jacobson, Kidder, Kinhan, Lewis, McDonnell, Nichols, Phelps, Doris Riley, William Roberts, Rogers, Savaria, Shepard, Stio, Lawrence Sullivan and James Whittemore.

ROCKINGHAM: Ames, Beliveau, Benton, Blake, Blanchette, William Boucher, Burdick, Butler, Campbell, Carpenito, Cressy, Danderson, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Joslyn, Kane, Katsakiores, Glenden Kelley, Roger King, Kozacka, Longworth, Mace, Malcolm, Robert Mason, William Moore, Nagel, Newell, Palumbo, Parr, Quimby, Scamman, Schmidtchen, Sherburne, Skinner, Sloan, Sochalski, Sytek, Tavitian, Tufts, Vartanian, Walker and Webater.

STRAFFORD: Chamberlin, Dingle, Flynn, Robert Jones, Kincaid, Paul Meader and Francis Robinson.

SULLIVAN: Cutting, Gray, Palmer, Reney and Townsend.

AN ACT

NAYS 152

BELKNAP: Birch, Bolduc, Bowler, Gary Dionne, Robert Hawkins, Lamprey, Matthew Locke and Zeckhausen.

CARROLL: Ashnault, Chase, Dickinson, Heath, Robert Holmes and Hraba.

CHESHIRE: Barber, Boulter, Eugene Clark, Crane, Eisengrein, Kennedy, Matson, David Meader, Michaelides, Parker, Perry, William Riley and William Sullivan.

COOS: Chappell, Coulombe, Guay, George Lemire, Theriault and York.

GRAFTON: Chambers, Copenhaver, Crory, Densmore, Hutchings, Michael King, Logan and McAvoy.

HILLSBOROUGH: Abrams, Debora Ahern, Ahlgren, Bergeron, Brack, John Burns, Cote, Cronin, Donovan, Fields, Gagnon, Galway, Daniel Healy, Hendrick, Jean, Kaklamanos, Kashulines, Katsiaficas, Evelyn King, Kleclerc, Levesque, Lynde, Lyons, McGlynn, Migneault, Morrisette, Nute, O'Rourke, Parmenter, Raiche, Peter Ramsey, Reidy, Robie, Spirou, Mary Sullivan, Talbot, Turgeon, Vachon, Wagner, John Wallace, Roger Wallace, Kenneth Wheeler, Robert Wheeler, James J. White and Zajdel.

MERRIMACK: Chynoweth, Samuel Clark, Daniell, Degnan, LaBranche, Arthur Locke, Mercier, Pannell, Parrish, Louise Roberts, Walter Robinson, Stark, Trombly, Underwood and Wallner.

ROCKINGHAM: Bangs, Belanger, Blanchard, Case, Connors, Cotton, Ellyson, Thomas Gage, Greene, Hollingworth, John Hynes, Krasker, Leslie, LoFranco, Lovejoy, Joseph MacDonald, Newman, Pevear, Popov, Romoli, Rosencrantz, Simon, Splaine, Stork, Warburton and Raymond Wood.

STRAFFORD: Appleby, Banks, Belhumeur, Bernard, Blouin, Bouchard, Chagnon, Couture, Demers, Albert Dionne, Donnelly, Grassie, Hussey, Joos, Lussier, Sackett, Schreiber, Timm and Franklin Torr.

SULLIVAN: Brodeur, Carlson, Converse, D'Amante, Ingram and Paul Johnson, and the amendment was adopted.

Reps. Guay and Degnan notified the Clerk that they inadvertently voted nay and meant to vote yea.

Rep. Nighswander notified the Clerk that she wished to be recorded as believing the funding incompletely inadequate.

Rep. Kidder offered an amendment.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

increasing the tax rate imposed under the business profits tax and making appropriations for certain purposes.

Amend the bill by striking out section 3 and inserting in place thereof the following:

#### 3 Salary Increase.

I. The sum of \$29,100,000 is hereby appropriated in addition to any other sums appropriated for the fiscal years ending June 30, 1984, and June 30, 1985, for salary increases for classified, unclassified, judicial and legislative employees whose salaries are paid in whole or in part from general fund moneys. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated at the time the certification is made pursuant to paragraph 11. Employees whose salaries are paid in part from general fund moneys shall receive an increase in the proportion that the general fund portion of their salaries bears to their total salaries.

II. The terms of any negotiated agreement between the state negotiating committee and the state employee organization certified as the state employees' representative shall be presented to the comptroller upon the adoption of such an agreement. The appropriation authorized by this section shall take effect when the comptroller certifies to the governor and council that an agreement has been reached. The comptroller shall certify the terms of the agreement to the director of legislative services. The director of legislative services is hereby directed to change the salary schedules and tables and introductory paragraphs in RSA 94:1-a, RSA 99:1-a and RSA 491-A:1 to reflect the increases provided for in this section, and said schedules and tables and paragraphs are hereby so amended commencing on the appropriate date.

4 Appropriation Superseded. The appropriation made in section 3 of this act shall be in lieu of the appropriation of \$19,100,000 made for the same purposes in HB 500 as proposed to the senate. If HB 500 should become law with such appropriation included, this act shall supersede such provision, and the appropriation in HB 500 shall be null and void.

5 Additional Appropriations. The following sums are hereby appropriated to the following PAUs, in addition to any other sums otherwise appropriated:

1. Geologist: 03,03,03,04,04.

The following sums are hereby appropriated for the following fiscal years:

	FY 84	FY 85
91 State Geologist	\$ 35,000	\$ 35,000

The governor is hereby authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

II. Fire Towers: 03,03,03,02,00.

The following sums are hereby appropriated for the following fiscal years. These funds

shall be used for fire detection, specifically for fire tower lookout pay, and for forest protection, training and equipment.

	FY 84	FY 85
98 Forest Protection	\$ 110,000	\$ 110,000

The governor is hereby authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

III. Fair Premiums. In addition to any other appropriations for the department of agriculture, the sum of \$45,000 is hereby appropriated to said department for fiscal year 1984 for payments to agricultural fairs and the sum of \$45,000 is hereby appropriated to said department for fiscal year 1985 for payments to agricultural fairs. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

IV. AFDC: 05,02,04,05,01. The following sums are hereby appropriated for the following fiscal years in order to raise AFDC payments to the 1974 standard of need:

	FY 84	FY 85
90 AFDC	\$2,700,843	\$1,624,500

#### Estimated source of funds

General fund	\$1,217,000	\$ 732,000
Federal funds	\$1,483,843	\$ 892,500
Total	\$2,700,843	\$1,624,500

V. AFDC: 05,02,04,05,02. The following sums are hereby appropriated for the following fiscal years for the purposes of medical grants:

	FY 84	FY 85
90 Provider Payments	\$1,013,564	\$1,109,741

#### Estimated source of funds

General fund	\$ 411,000	\$ 450,000
Federal funds	\$ 602,564	\$ 659,741
Total	\$1,013,564	\$1,109,741

6 Effective Date. This act shall take effect July 1, 1983.

Rep. Kidder explained the amendment and yielded to questions.

Amendment adopted.

Ordered to third reading.

Rep. Sallada notified the Clerk that he wished to be recorded in favor of HB 674 as amended.

Rep. Rounds moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

HB 270, making an appropriation to the department of education for the payment of debt service for school construction, was removed at the request of Rep. Demers.

HB 659, relative to occupational and professional regulation, was removed at the request of Rep. Cutting.

SB 125, relative to the department of fish and game obtaining rights of way or access to certain bodies of water in the

state and making an appropriation therefor, was removed at the request of Rep. Bangs. Adopted.

#### COMMITTEE REPORTS (cont.) (Consent Calendar)

HB 188-FN, to increase the personal needs allowance for recipients of medical assistance residing in nursing homes. Ought to Pass with Amendment.

The amendment increases from \$25 to \$30 the personal needs allowance for recipients of medical assistance residing in nursing homes. Vote 18-0. Rep. Andrea A. Scranton for Appropriations.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT  
increasing the personal needs allowance for recipients of medical assistance residing in nursing homes and making certain appropriations.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Appropriations; 1984. In addition to any other sums appropriated to the following divisions and institutions, the following sums are hereby appropriated for the fiscal year ending June 30, 1984. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

I. Division of Welfare	\$291,487
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#### Estimated source of funds

Federal	\$162,378
Private/local	74,668
General fund	54,441
Total	\$291,487

II. Laconia State School	\$ 6,393
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#### Estimated source of funds

General fund	\$ 6,393
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III. Glencliff Home for the Elderly	\$ 2,970
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#### Estimated source of funds

General fund	\$ 2,970
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IV. New Hampshire Hospital	\$ 4,100
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#### Estimated source of funds

General fund	\$ 4,100
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3 Appropriations; 1985. In addition to any other sums appropriated to the following divisions and institutions, the following sums are hereby appropriated for the fiscal year ending June 30, 1985. The governor is authorized to draw his warrant for said sums



out of any money in the treasury not otherwise appropriated.

I. Division of Welfare \$296,651

Estimated source of funds

Federal	\$165,295
Private/local	75,969
General fund	55,387
Total	\$296,651

II. Laconia State School \$ 6,505

Estimated source of funds

General fund \$ 6,505

III. Glencliff Home  
for the Elderly \$ 3,022

Estimated source of funds

General fund \$ 3,022

IV. New Hampshire Hospital \$ 4,172

Estimated source of funds

General fund \$ 4,172

4 Effective Date. This act shall take effect July 1, 1983.

HB 223-FN, relative to communicable disease laboratory support services and making an appropriation therefor. Ought to Pass with Amendment.

The Committee felt the testimony and facts proved this laboratory is essential for the state if it is to protect the health of its citizens. The amendment changes the effective date to take effect upon its passage. Vote 21-0. Rep. Andrea A. Scranton for Appropriations.

Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Effective Date. This act shall take effect upon its passage.

HB 235-FN, relative to emergency medical and psychiatric treatment for patients of state institutions and eligibility for admission to and care at Glencliff home for the elderly and making an appropriation therefor. Ought to Pass with Amendment.

The Committee concurs with the bill as passed by the Health and Welfare Committee. The amendment simply removes the nurses' call system which is in HB 315-FN. Vote 16-0. Rep. Andrea A. Scranton for Appropriations.

Amendment

Amend the bill by striking out section 6 and inserting in place thereof the following:

6 Appropriation. The sum of \$137,205 is appropriated for the fiscal year ending June 30, 1984, and the sum of \$85,681 is appropriated for the fiscal year ending June 30, 1985, to the Glencliff home for the

elderly for the purpose of establishing and maintaining at the Glencliff home for the elderly a unit for those residents requiring more closely supervised care. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

HB 238-FN, relative to the Nashua area aquifer delineation study and making an appropriation therefor. Ought to Pass with Amendment.

Vote 19-0. Rep. Paul I. LaMott for Appropriations.

Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Appropriation. The sum of \$15,000 is hereby appropriated to the Nashua regional planning commission for the fiscal year ending June 30, 1984, to fund the Nashua area aquifer delineation study for the third year, representing the state's portion of this program. The first 2 years of this study was funded through the water resources board by the 1982 special session as a line item of PAU 03,04,01. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

HB 250-FN, making an appropriation to the department of education, division of vocational technical education. Ought to Pass with Amendment.

This bill provides the money for the short fall in 1982 and 1983 for tuition and transportation money for the vocational skill centers. The amendment deducts 4 percent in 1983. Vote 10-8. Rep. Andrea A. Scranton for Appropriations.

Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Supplemental Appropriation to the Division of Vocational Technical Education. In addition to any other sums appropriated to the department of education, division of vocational technical education, the sum of \$380,873 is hereby appropriated for the fiscal year ending June 30, 1983, to be expended for reimbursement of tuition and transportation costs to students attending regional vocational centers in the following manner: \$105,000 to make up a shortage for the first fiscal year of the biennium; \$275,873 to provide for an anticipated shortage for the current fiscal year. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

HB 277-FN, providing funds for 6 additional state troopers and equipment for state police and fire marshal for hazardous materials and waste enforcement and emergency response. Ought to Pass.



This bill would place one trooper specializing in hazardous materials and waste enforcement in each of the state's troops. There are currently only two troopers assigned to this task. Vote 17-0. Rep. Margaret A. Ramsay for Appropriations.

HB 279-FN, relative to the financing of regional planning commissions. Ought to Pass with Amendment.

Vote 19-0. Rep. Paul I. LaMott for Appropriations.

#### Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Appropriation. There is hereby appropriated to the state treasurer the sum of \$75,000 for the fiscal year ending June 30, 1984, and the sum of \$75,000 for the fiscal year ending June 30, 1985, for the purpose of section one of this act. These appropriations shall be expended by the regional planning commissions to further the purposes, powers, and duties of a commission as provided in RSA 36:45-53, and shall be in addition to and not in lieu of any other appropriations, funds, grants, gifts, and services to which the regional planning commissions are entitled under RSA 36:49. If the amount required to meet the obligation of the state as specified in section one of this act is greater than \$75,000 for either 1984 or 1985, the amount due to each regional planning commission shall be reduced in proportion to its overall share of the appropriated moneys. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

HB 291-FN, establishing a special education revolving loan fund and making an appropriation therefor. Ought to Pass with Amendment.

The amendment removes the word "revolving" and establishes a loan fund in the amount of \$262,000 to set up a pilot program. This loan is to be paid back by the loan recipient from tuition received. The loan recipient shall also pay \$12,500 as his share of the initial planning process. Vote 21-0. Rep. Andrea A. Scranton for Appropriations.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT  
establishing a special education loan fund and making an appropriation therefor.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Statement of Purpose. The purpose of the special education loan fund is to

provide start-up moneys for cost-effective, in-state special education programs for severely impaired students with low-incidence or high cost or both handicapping conditions.

2 New Chapter. Amend RSA by inserting after chapter 186-C the following new chapter:

#### SPECIAL EDUCATION LOAN FUND 186-D:1 Commission.

I. There is hereby established the commission of the special education loan fund which shall operate within the department of education. The members of the commission shall be:

- (a) The commissioner of education or his designee;
- (b) The commissioner of health and welfare or his designee;
- (c) The director of special education or his designee;
- (d) The director of mental health or his designee;
- (e) A school board member or administrator appointed by the state board of education;
- (f) A special educator appointed by the state board of education; and
- (g) The chairman of the legislative fiscal committee or his designee.

II. The chairman of the committee shall be designated by the state board of education from among the members of the committee.

III. The commission shall have the following duties:

- (a) To determine the kinds of general locations of special education programs needed through out the state to reduce the number of special education students in placements that are out-of-state or, for border communities, are more than 50 miles away;
- (b) To prepare RFP's and disseminate materials regarding application for start-up grants from the special education loan fund, including the commission's priorities identified under (a) above;
- (c) To appoint a peer review panel for each round of applications to screen the proposals and recommend to the commission which programs should receive grants; and
- (d) To award grants from the loan fund based on consideration of the review panel's recommendations.

IV. The chairman of the commission shall have the authority to adopt rules relative to the procedures for nominating and voting on the membership of the peer review panel established by RSA 186-D:2. 186-D:2 Peer Review Panel.

I. The members of the commission of the special education loan fund shall appoint 7 persons who shall serve as members of the peer review panel.

II. The membership of the peer review panel shall consist of individuals who represent differing geographic regions of the state, represent both the public and private interests in special education, and demonstrate a wide range of expertise in special education.

III. No member of the peer review panel may be employed by or represent any agency which is applying for funds under this chapter.

186-D:3 Applicants.

I. In order to be eligible to apply for funds under this chapter, the applicant shall be a nonprofit organization from either the private or the public sector. The purpose of the organization shall be to provide special education programs to severely impaired students with high cost or low incidence, or both, handicapping conditions. The eligible parties shall include but not be limited to the following:

- (a) Regional special education collaboratives;
- (b) Developmental disability area boards;
- (c) Private, nonprofit providers;
- (d) State agencies; and
- (e) Local school districts.

II. Applicants shall be judged by the peer review panel, based on the following criteria:

- (a) The demonstrated need for the proposed program as revealed by the student population in the area;
- (b) The cost effectiveness and fiscal responsibility of the program;
- (c) The demonstrated ability of the applicant to provide supplemental funds; and
- (d) The ability of the applicant to repay the loan as scheduled.

186-D:4 Comptroller. The comptroller should prepare a note for each recipient in the amount of the loan made under this chapter. The comptroller is authorized to enforce the collection of accounts that are due under this chapter. The commission, the attorney general, the state treasurer and any other executive agency or employee thereof shall aid the comptroller in his collections as he requests.

186-D:5 Rulemaking Authority. The commission shall adopt rules pursuant to RSA 541-A relative to:

- I. Information required on the application.
- II. Qualifications of the applicant.
- III. Amount of the loan.
- IV. Schedule of repayment.
- V. Percent of interest charged on the loan.
- VI. Any other matter necessary to carry out the purposes of this chapter.

186-D:6 Loan Fund. Any payments of principal or interest or both made to the state relative to this program shall be credited to the loan fund for the use in making new loans. The moneys in said fund shall be nonlapsing and shall be used only for the purposes of this program. Any moneys appropriated for the loan fund, any contributions made to it and all payments made shall be held by the state treasury in a separate account.

3 Application of Receipts. Amend RSA 6:12, I (supp. as inserted by 1981, 500:2 as amended by striking out said paragraph and inserting in place thereof the following:

I. Moneys received by the state treasurer, as provided in RSA 6:11, shall be available for general revenue of the state with the following exceptions:

(a) Moneys received by the state sweepstakes commission which shall be credited to the sweepstakes special fund.

(b) Moneys received by the fish and game department which shall be credited to the fish and game fund.

(c) Fines received for violations of RSA 214:12 which shall be credited to the fish and game fund.

(d) Contributions received under RSA 72:1 which shall be credited to the fish and game department as provided in that section.

(e) Fees certified by the chairman of the public utilities commission under RSA 107-B which shall be credited to the New Hampshire nuclear planning and response fund.

(f) Fees and fines from the division of motor vehicles which, after deducting the amount allowed by the legislature for maintaining said division and \$150,000 annually for maintaining in part the division of state police, shall be credited to the public works and highways department for maintenance of highways.

(g) Moneys received by the police standards and training council, which shall be credited to the police standards and training council training fund.

(h) Fines and costs from the division of state police of the department of safety which shall be credited to the public works and highways department for maintenance of highways.

(i) Ninety percent of the filing fees collected by the board of tax and land appeals under RSA 498-A shall be credited to the highway fund.

(j) Revenues from fees, rentals and the sale of products from lands under the jurisdiction of the department of resources and economic development, which shall be credited as provided under RSA 219.

(k) All moneys, fees and fines and sales included within the weights and measures fund established by RSA 359-A:36.

(l) Fees collected by the public utilities commission of railroads and public utilities for money paid out by the commission to experts and assistants not in its regular employ, which fees shall be appropriated to reimburse the state for money so paid out.

(m) Moneys received under RSA 457:29, which shall be credited to the special fund for domestic violence programs.

(n) The share of the normal yield tax going to the department of resources and economic development under RSA 79:14, which shall be credited to the unincorporated places forest conservation fund.

(o) Moneys received for sending children to the special education program of the child and adolescent unit at the New Hampshire hospital pursuant to RSA 186-C:20.

(p) Money received under RSA 125:62-a, 143:11, and 184:85, which shall be

credited to the public health services special fund.

(q) Money received under RSA 186-D which shall be credited to the special education loan fund.

4 Matching Funds. The loan recipient for a pilot program under RSA 186-D shall be required to contribute \$12,500 for the expenses of planning the facility. This sum shall be in addition to any funds contributed by the loan fund for the purposes of planning the facility.

5 Appropriation. In addition to any other sums appropriated to the department of education, there is hereby appropriated to that department for a pilot program for the special education loan fund established by section 2 of this act, the sum of \$262,500 for the biennium ending June 30, 1985, which includes \$12,500 for planning and \$250,000 for the acquisition, renovation and equipping of a facility. The governor is authorized to draw his warrant for said sum

out of any money in the treasury not otherwise appropriated.

6 Effective Date. This act shall take effect July 1, 1983.

HB 304-FN, relative to a registered nurse program offering an associate degree at the New Hampshire vocational technical college in Berlin and making an appropriation therefor. Ought to Pass with Amendment.

The Committee voted unanimously in support of this bill. The amendment allows acceptance of any federal funds which may become available and would reduce the general funds accordingly. Vote 18-0. Rep. Andrea A. Scranton for Appropriations.

#### Amendment

Amend paragraph one of section one of the bill by striking out same and inserting in place thereof the following:

	Fiscal year 1984	Fiscal year 1985
I. Class 10 permanent personnel services		
1 VTC professor (ET52)	\$19,909	\$21,021
2 VTC associate prof. (ET40)	-	32,700
1 Clerk steno II	8,970	9,282
Total class 10	\$28,879	\$63,003
Class 20 current expense	1,000	3,000
Class 30 equipment	3,500	1,500
Class 50 other personnel services	-	2,000
Class 60 benefits	6,931	17,551
Class 70 in-state travel	500	500
Class 80 out-of-state travel	500	500
Class 99 indirect cost	4,476	10,075
Total	\$45,786	\$98,129
Estimated source of funds		
Tuition	-	\$33,600
General fund	\$45,786	64,529
Total	\$45,786	\$98,129

Amend section 2 of the bill by striking out same and inserting in place thereof the following:

2 Powers of Governor and Council. The governor and council are hereby authorized and empowered:

I. To cooperate with and enter into such agreements with the federal government or any agency thereof, as they may deem advisable, to secure federal funds for the purposes hereof.

II. To accept any federal funds which are, or become available for any project under section 1 of this act beyond the estimated amounts. The net appropriation of state funds for any project for which such additional federal funds are

accepted shall be reduced by the amount of such additional funds.

3 Effective Date. This act shall take effect July 1, 1983.

HB 307-FN, relative to the cost of living increases in the New Hampshire retirement system. Ought to Pass with Amendment.

Vote 17-0. Rep. Margaret A. Ramsay for Appropriations.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

relative to cost of living increases in the New Hampshire retirement system and relative to employers picking up the employee contributions.

Amend the bill by striking out section 6 and inserting in place thereof the following:

6 Picking Up Employee Contributions. Amend RSA 100-A:16, I by inserting after subparagraph (d) the following new subparagraph:

(e) With respect to all employees of any employer, such employer may pick up the employee contributions required by this section for all compensation earned after July 1, 1983; and the contributions so picked up shall be treated as employer contributions in determining federal tax treatment under the United States Internal Revenue Code; however, each employer shall continue to withhold federal income tax based upon these contributions until the Internal Revenue Service, or the federal courts, rule that, pursuant to section 414(h) of the United States Internal Revenue Code (1954), as amended, these contributions shall not be included as gross income of the employee until such time as they are distributed or made available. The employer shall pay these employee contributions from the same source of funds which is used in paying earnings to the employee. The employer may pick up these contributions by a reduction in the cash salary of the employee. Employee contributions picked up shall be treated for all purposes of this section in the same manner and to the same extent as employee contributions made prior to the date picked up.

7 Effective Date. This act shall take effect July 1, 1983.

HB 478-FN, relative to the postsecondary vocational education budget and making an appropriation for constructing regional vocational education centers. Inexpedient to Legislate.

In the first part of this bill the Committee feels that all monies received for adult education should continue to be distributed as they are now. The second part appropriates \$52,300,000 to continue to build Voc-Tech Skill Centers. The Committee feels we should not build more centers until economic conditions improve. Vote 21-0. Rep. Andrea A. Scranton for Appropriations.

HB 703-FN, requiring the cost of medical and health insurance coverage for certain retired permanent policemen to be provided by the state retirement system. Ought to Pass with Amendment.

Vote 19-0. Rep. Margaret A. Ramsay for Appropriations.

## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

requiring the cost of medical and health insurance coverage for certain retired permanent policemen to be provided by the state retirement system, and continuing the study of the state becoming a self-insurer in health insurance through June 30, 1984.

Amend the bill by striking out section 7 and inserting in place thereof the following:

7 Nonlapsing Appropriation. Amend 1982, 42:173 by striking out said section and inserting in place thereof the following:

42:173 Study of Health Insurance; Appropriation. The sum of \$25,000 is hereby appropriated to the house of representatives for the biennium ending June 30, 1983, for the purpose of hiring consultants to thoroughly investigate the advantages of the state's becoming a self-insurer in the health insurance it provides to state employees. Said appropriation shall not lapse until June 30, 1984. The speaker of the house shall be responsible for hiring the consultants for this study, and he shall designate a committee of the house to carry out this study. The committee and the consultants shall complete their study and submit their findings to the speaker of the house not later than June 30, 1984. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

8 Effective Date.

I. Sections 1-6 of this act shall take effect July 1, 1983.

II. Section 7 of this act shall take effect upon its passage.

HB 707-FN, relative to the employer's contribution rate under the New Hampshire retirement system for group II members and setting up a special account for earnings of the retirement system. Ought to Pass.

HB 707-FN is a very important bill to the members of the New Hampshire Retirement System. This allows the Board of Trustees to establish a special account for the excess earnings of the retirement trust fund. The bill stabilizes the employer's normal contribution rate as of July 1, 1983. Funds reserved may be used for the purpose of providing additional benefits for the retirement system members. Vote 17-1. Rep. Margaret A. Ramsay for Appropriations.

HB 781-FN, relative to service retirement benefits for group I members of the New Hampshire retirement system. Ought to Pass with Amendment.

HB 781-FN, establishing parity between group I employee members and teachers in determining their creditable service upon retirement. The amendment adjusts the dates of retirees and when they shall have their benefits recalculated if they had creditable service in excess of 30 years prior to July 1, 1977. Vote 18-0. Rep. Margaret A. Ramsay for Appropriations.

## Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Creditable Service; Group I Employee Members. Amend RSA 100-A:5, I(c) (supp) as inserted by 1967, 134:1 as amended by striking out said subparagraph and inserting in place thereof the following:

(c) Employee members of group I who retired between July 1, 1973, and June 30, 1977, inclusive, shall have their benefits recalculated if they had creditable service in excess of 30 years prior to July 1, 1977. Benefits to such retirees shall be adjusted to reflect the new levels and shall be payable effective July 1, 1983, without retroactive adjustment or payment.

HB 847-FN, relative to a regional compact for the disposal of low-level radioactive waste. Ought to Pass with Amendment.

The amendment will allow the act to take effect upon passage to conform with the intent of the bill. Vote 17-0. Rep.

Paul I. LaMott for Appropriations.

## Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Effective Date. This act shall take effect upon its passage.

SB 18-FN, amending the compensation offset provision relative to disability benefits under the New Hampshire retirement system. Ought to Pass.

This bill amends current law whereby a disabled person collects 1-1/3 of his salary through disability benefits and workmen's compensation. With this bill he would collect an amount approximately equal to his actual salary. Vote 21-0. Rep. Margaret A. Ramsay for Appropriations.

SB 38, making an appropriation for an addition to the New Hampshire vocational college in Nashua. Inexpedient to Legislate. Vote 16-3. Rep. Paul I. LaMott for Appropriations.

SB 52-FN, relative to occupational and health safety programs. Ought to Pass. The Committee feels this is an important program to have in the state. There is no state appropriation needed. Vote 18-0. Rep. Andrea A. Scranton for Appropriations.

SB 66-FN, relative to state guarantees for water pollution control projects and state contributions for the construction of pollution control systems. Ought to Pass with Amendment.

The bill was amended to name the three towns to which it pertained. Vote 16-0. Rep. Paul I. LaMott for Appropriations.

## Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

## AN ACT

relative to state guarantees for water pollution control projects and state contributions for the construction of pollution control systems in certain towns.

Amend RSA 149-B:1-b as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

149-B:1-b Alternate State Contributions. If any one of the towns of Derry, Salem or Wolfeboro undertakes the construction of sewage disposal facilities in accordance with the provisions of RSA 148 or 149, without the benefit of a federal grant, said town is entitled to an alternate state contribution. This alternate contribution shall consist of the payment of 20 percent of the annual amortization charges, meaning principal and interest, on the original costs resulting from the acquisition and construction of the sewage disposal facilities. The word "construction" shall include engineering services, in addition to the construction of new sewage treatment plants, pumping stations, and intercepting sewers; and the altering, improving or adding to existing treatment plants, pumping stations and existing intercepting sewers, provided that the construction has been directed by the water supply and pollution control commission or is a voluntary undertaking designed to control or reduce pollution in the ground surface waters of the state, as defined in RSA 149:1, and provided that the plan for the facilities is approved in accordance with RSA 148:25. The term "original costs" as used in this section shall mean the entire cost of the construction as defined above, excluding land acquisition, easements, and rights of way necessary to the project.

Amend the bill by striking out all after section 2 and inserting in place thereof the following:

3 Limitation of State Guarantee. Amend RSA 149-B by inserting after section 1-b the following new section:

149-B:1-c Limitation of Guarantee. If any one of the towns of Derry, Salem or Wolfeboro undertakes the construction of sewer disposal facilities pursuant to RSA 149-B:1-b, the state shall limit its guarantee of the construction bonds for said facilities to 25 percent of the total bonds issued by the town for the construction of that town's sewage disposal facilities.

## 4 Applicability.

1. The provisions of 1982, 42:1 .03.05.01, Goal 2, relative to construction grants-in-aid, which provides that the water supply and pollution control commission shall not commit the state or issue any state order for design work, or commencement of construction or bonding of



facilities unless explicitly directed to do so by the United States environmental protection agency by a firm commitment of federal funds, shall remain valid for the biennium ending June 30, 1985.

II. If any one of the towns specified in RSA 149-B:1-b and RSA 149-B:1-c desires to proceed with the construction of sewage disposal facilities pursuant to the provisions of those RSA cites, the water supply and pollution control commission may issue a state order for design and commencement of construction during the biennium ending June 30, 1985.

5 Effective Date. This act shall take effect upon its passage.

SB 84, making a capital appropriation for the Manchester access ramp project. Ought to Pass.

Vote 18-1. Rep. Paul I. LaMott for Appropriations.

SB 89, relative to the fish and game department. Ought to Pass with Amendment.

Vote 21-0. Rep. Paul I. LaMott for Appropriations.

#### Amendment

Amend PAU 03,01,02,02 as inserted by paragraph I of section 1 of the bill by striking out same and inserting in place thereof the following:

#### 03,01,02,02 Management and Research

20 Current Expenses	\$10,098	\$14,000
30 Equipment	17,380	18,400
99 Pheasants	28,000	28,000
TOTAL	<u>55,478</u>	<u>60,400</u>

#### Estimated Source of Funds for Management and Research-

Federal Funds	7,574	10,500
07 Agency Income	28,000	28,000
Fish and Game Fund	19,904	21,900
TOTAL	<u>\$55,478</u>	<u>\$60,400</u>

Amend PAU 03,01,04,02 as inserted by paragraph I of section 1 of the bill by striking out same and inserting in place thereof the following:

#### 03,01,04,02 Law Enforcement 1-5

10 Personal Services - Permanent	\$16,000	\$17,000
19 Police/Fish and Game/Highway	26,850	26,850
20 Current Expenses	9,419	11,201
60 Benefits	5,370	5,370
TOTAL	<u>\$57,639</u>	<u>\$60,421</u>

#### Estimated Source of Funds for Law Enforcement 1-5

Fish and Game Fund	57,639	60,421
TOTAL	<u>\$57,639</u>	<u>\$60,421</u>

#### 03,01,04,03 Law Enforcement 6

19 Police/Fish and Game/Highway	\$ 3,094	\$ 3,094
60 Benefits	619	619
TOTAL	<u>\$ 3,713</u>	<u>\$ 3,713</u>

#### Estimated Source of Funds for Law Enforcement 6

Fish and Game Fund	\$ 3,713	\$ 3,713
TOTAL	<u>\$ 3,713</u>	<u>\$ 3,713</u>

Amend the bill by striking out all after section 2 and inserting in place thereof the following:

3 Effective Date. This act shall take effect July 1, 1983, at 12:01 a.m.

SB 102-FN, making an appropriation for New Hampshire's share of the cost for the perambulation of the Maine-New Hampshire boundary. Ought to Pass.

This bill funds the state's share of perambulating the Maine-New Hampshire boundary. The state of Maine will do the actual work this time with New Hampshire providing an overseer. By law this must be done every seven years. Vote 16-0. Rep. Paul I. LaMott for Appropriations.

SB 156-FN, providing an incentive for public and private postsecondary educational institutions to attract out-of-state students, and making an appropriation therefor. Ought to Pass with Amendment.

Vote 18-0. Rep. Andrea A. Scranton for Appropriations.

#### Amendment

Amend paragraph one of section 2 of the bill by striking out same and inserting in place thereof the following:

I. For the purpose established in section 1 of this act, the following sums are hereby appropriated for the following years to the postsecondary education commission, PAU 06201:

(a) For the fiscal year ending June 30, 1984, \$25,000.

(b) For the fiscal year ending June 30, 1985, \$25,000. The governor is authorized to draw his warrants for said sums out of any money in the treasury not otherwise appropriated.

SB 161-FN, relative to the method of operation of the state liquor commission warehouse. Inexpedient to Legislate.

While the intent of the sponsor is commendable in improving the state's cash flow through controlling inventory, the Committee felt that no legislation should be passed until the Commission's new computer is on line. A better assessment of liquor inventory control can be made at that time. Vote 21-0. Rep. Margaret A. Ramsay for Appropriations.

SB 173-FN, relative to the New Hampshire port authority and making an appropriation therefor. Inexpedient to Legislate.

While the Committee agreed with the idea of the need of approved facilities, at this time general funds were not available for funding. Vote 21-0. Rep. Paul I. LaMott for Appropriations.

SB 181, relative to improvements to the eastern New Hampshire turnpike and making an appropriation therefor. Ought to Pass. Vote 21-0. Rep. Paul I. LaMott for Appropriations.

SB 193-FN, providing for suggestion and incentive awards. Ought to Pass.

This bill establishes an evaluation committee for a statewide suggestion system for all state employees. All

testimony was in favor of passage. Vote 19-0. Rep. Margaret A. Ramsay for Appropriations.

SB 212, providing for the purchase of a state liquor store on Coliseum avenue in Nashua and making an appropriation therefor. Ought to Pass with Amendment.

Vote 21-0. Rep. William F. Kidder for Appropriations.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

providing for the purchase of state liquor stores in Nashua and Lebanon and making an appropriation therefor.

Amend the bill by striking out all after section 2 and inserting in place thereof the following:

3 Bonds Authorized. To provide funds for the appropriations made in section 2 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state not exceeding the sum of \$990,000 and for said purpose may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. Payments of principal and interest of said bonds and notes shall be made from the general funds of the state. Said bonds shall be 10 year bonds.

4 Lebanon Liquor Store Purchase. The liquor commission is hereby authorized to purchase land and to construct or purchase approximately 8,000 square feet of retail space in Lebanon, Ward 1, on a major thoroughfare as convenient to the confluence of highways 91 and 89 as possible to be occupied by store number 60.

5 Appropriation. There is hereby appropriated to the liquor commission for the purposes of section 4 of this act the sum of \$500,000 to be expended by them for acquisition and equipping store number 60. No part of this authorization shall be expended unless the present location of store number 60 is made unavailable as leased space.

6 Bonds Authorized. To provide funds for the appropriation made in section 5 of this act, the state treasurer is hereby authorized to borrow upon the credit of the state a sum not to exceed \$500,000. For said purpose the state treasurer may issue bonds and notes in the name of and on behalf of the state of New Hampshire in accordance with the provisions of RSA 6-A. Payments of principal and interest of said bonds and notes shall be made from the general funds of the state. Said bonds shall be 10 year bonds.

7 Effective Date. This act shall take effect upon its passage.

Rep. Kaklamanos abstained from voting under Rule 16.

SB 213-FN, to provide for the licensing and regulation of water well contractors and pump installers and for the furnishing of well and pump records to the state and making an appropriation therefor. Ought to Pass.

Vote 21-0. Rep. Paul I. LaMott for Appropriations.

SB 215-FN, relative to grants for retired senior volunteer programs and making an appropriation therefor. Ought to Pass.

Vote 19-0. Rep. Andrea A. Scranton for Appropriations.

SB 220-FN, providing for the calling of a constitutional convention and making an appropriation therefor. Inexpedient to Legislate.

This bill is essentially the same as HB 691 and amounts to a duplication which is not necessary. The Constitutional Convention has been mandated by the electorate and HB 691 takes care of funding it adequately. Vote 20-0. Rep. Margaret A. Ramsay for Appropriations.

HB 846-FN, relative to games of chance. Refer for Interim Study.

It was the feeling of the Committee that this bill has a lot of good points, but it requires plenty of time to mold it into a good bill. It is the intent of this Committee to work on this bill during the summer and have it ready for the House by the end of September, 1983. Vote 22-0. Rep. Howard S. Humphrey for Regulated Revenues.

#### OPINION OF THE JUSTICES

May 6, 1983

The Honorable House of Representatives has requested opinions of the justices concerning the constitutionality of two legislative proposals that would modify or replace the current scheme of taxation of business profits in this State, RSA chapter 77-A. Because the proposals raise similar issues, we are responding to the requests in one opinion.

Whereas, HB 316 would establish an alternate tax on business organizations which are currently subject to a tax on their net incomes under the business profits tax, RSA 77-A; and

Whereas, HB 316 establishes a class of property, "alternate business profits," intended to be distinct from "taxable business profits," or net profits, which are currently subject to taxation under RSA 77-A; and

Whereas, "alternate business profits," as defined in HB 316 means gross business income of the business organization, reduced by an adjustment, an apportionment factor and certain limited deductions, all as defined in the bill and in a proposed amendment; and

Whereas, HB 316 would impose a tax at a uniform rate of one percent on "alternate business profits," to be paid in the event the resulting tax, less allowable credits,

exceeds the tax that would be payable by a business organization on its "taxable (net) business profits;" and

Whereas, the stated purpose of the bill is to spread the burden of taxation more equally among all business organizations; now therefore, be it

Resolved by the House of Representatives:

That the Justices of the Supreme Court be respectfully requested to give their opinion upon the following questions:

1. Would establishment of "alternate business profits" as a class of property, as proposed and defined in HB 316, exceed a reasonable exercise of the General Court's power to classify property for purposes of taxation, under Part II, Article 6 of the New Hampshire Constitution?

2. Would enactment of HB 316 which provides for taxation of "alternative business profits," which is determined with no specific compensation deductions as an alternative to taxation of the business profits under RSA 77-A which allows a "reasonable compensation deduction," have the effect of impermissibly classifying taxpayers under Part I, Article 12 and Part II, Article 5 of the New Hampshire Constitution and as discussed by this Court in Opinion of the Justices, 106 N.H. 202 (1965)?

3. If the answer to questions 1 and 2 are in the negative, would imposition of a tax on "alternate business profits" at the uniform rate set forth in HB 316 offend the requirements for equality and proportionality mandated by Part I, Article 12 and Part II, Article 5 of the New Hampshire Constitution?

4. If the answers to questions 1, 2 and 3 are in the negative, would the requirements of Part I, Article 12 and Part II, Article 5 of the New Hampshire Constitution be offended by the requirement of HB 316 that the tax on "alternate business profits" be paid if, after allowable credits, it would exceed the tax that would be payable by the business organization on "taxable (net) business profits" under RSA 77-A?

That the clerk of the House transmit 7 copies of this resolution to the Justices of the Supreme Court along with an equal number of copies of HB 316 and the proposed amendment to HB 316.

The following answers were returned:

To the House of Representatives: The Justices of the Supreme Court make the following reply to your request for advice with respect to House Bill 316. Interested parties were permitted to file memoranda until April 18, 1983. A memorandum on behalf of the Government Fiscal Policy Committee of the New Hampshire Business and Industry Association was received.

The stated purpose of House Bill 316 is to spread the burden of taxation more equitably, because under the current scheme, RSA chapter 77-A, the burden falls on only a limited number of business organizations. The present business profits tax is imposed on "taxable business profits," which are, in

effect, the "net" taxable income of a business. RSA 77-A:2 (Supp. 1981); see Johnson & Porter Realty Co. v. Comm'r of Rev. Admin., 122 N.H. 696, 697, 448 A.2d 435, 436 (1982). House Bill 316, with its proposed amendments, would modify RSA chapter 77-A by creating an alternative tax on the "alternate business profits" of business organizations. Under this bill, a business organization would be required to pay the greater of: (1) a tax of 8.75 percent on its "taxable business profits;" or (2) a tax on 1 percent on its "alternate business profits."

The bill defines "alternate business profits" as being the gross income of a business for federal income tax purposes reduced by an adjustment, certain limited deductions, and a method of apportionment described in RSA 77-A:3 (Supp. 1981). The adjustment allows for the deduction of the greater of either twenty percent of the business organization's gross business income, or the amount attributable to merchandise bought for manufacture or sale by the business organization during the taxable period. In the event the business organization suffers a "loss," as determined by the statute, a deduction is allowed for the loss. In addition, one-half of in-State energy costs and the sum of \$50,000 may be deducted from gross business income. Finally, in addition to the credits specified in RSA 77-A:5, the bill provides a credit for capital investment.

The first question presented is whether "alternate business profits" is a taxable class of property. Gross income is a class of property taxable under part two, article six of the New Hampshire Constitution. Opinion of the Justices, 110 N.H. 117, 122, 262, A.2d 290, 295 (1970); Opinion of the Justices, 95 N.H. 537, 539, 64 A.2d 320, 321 (1949). If "alternate business profits" was defined simply as being the gross income of a business, such classification would be valid for purposes of taxation. The class of property proposed to be taxed under the statute, however, is the gross income of a business with an adjustment, and the various deductions and credits mentioned above. Therefore, the specific adjustment, deductions, and credits provided must be considered to determine whether the proposed class of taxable property violates part two, article six of the State Constitution.

The legislature may create reasonable exemptions such as adjustments, deductions, and credits, on a uniform basis. Opinion of the Justices, 117 N.H. 512, 517, 374 A.2d 964, 967 (1977); cf. Opinion of the Justices, 110 N.H. 206, 266 A.2d 111 (1970). House Bill 316 would allow one adjustment, for either twenty percent of a business' gross business income or an unlimited amount attributable to merchandise bought for manufacture or sale by the business organization, whichever is greater. As a result, a labor intensive business whose purchases of merchandise for manufacture or sale are less than twenty percent of its gross business income, would be limited to an adjustment of twenty percent, whereas a business organization with extensive purchases of merchandise

bought for manufacture or sale, would have an unlimited adjustment. Accordingly, the resulting adjustment does not satisfy the requirement of uniformity.

Our review of the proposed deductions is limited by our inability to anticipate all possible applications, but at the present time the deductions appear to be valid. The deduction, applicable to all businesses which suffer a "loss," is both reasonable and uniform because it applies uniformly to all business organizations and its purpose is to recognize the impact of an actual loss on a business' ability to pay taxes. The bill's deduction for one-half of a business' energy costs also appears to be valid, as it is uniform in rate and available to all business organizations. The flat deduction of \$50,000 recognizes the impact that low-volume has on a business' ability to pay taxes, and it, too, is uniform in its application.

The credit for capital investment appears to be uniform, in that it is available to all business organizations. While on its face the credit does not appear to be unreasonable, this conclusion is necessarily speculative, as we have not yet had an opportunity to view its actual fiscal impact.

In summary, then, it is our opinion that the legislative establishment of "alternate business profits" as a taxable class of property, with the exception of the adjustment provision, appears to be constitutional, and our answer to the first question is therefore in the negative.

The next question is whether enactment of House Bill 316, providing for the taxation of "alternate business profits" as an alternative to taxation of the "taxable business profits" under RSA 77-A:2 (Supp. 1981), would impermissibly classify taxpayers under the New Hampshire Constitution, pt. I, art. 12; pt. II art. 5. Justices of this court have consistently interpreted the New Hampshire Constitution as requiring that all property within a given class be taxed at a uniform rate. Opinion of the Justices, 117 N.H. at 515, 374 A.2d at 966; see Johnson & Porter Realty Co. v. Comm'r of Rev. Admin., 122 N.H. at 698, 448 A.2d at 436. The proposed bill establishes differing rates of taxation, namely a 1 percent tax on "alternate business profits" and a 8.75 percent tax on "taxable business profits." The question presented is whether "alternate business profits" are sufficiently distinguishable from "taxable business profits" to constitute two separate classes of property taxable at different rates. See Opinion of the Justices, 117 N.H. at 515, 374 A.2d at 966; see also Opinion of the Justices, 110 N.H. at 122-23, 262 A.2d at 295.

In our opinion the statutory classifications of "alternate business profits" and "taxable business profits" are essentially classifications of business income. See Johnson & Porter Realty Co. v. Comm'r of Rev. Admin., 122 N.H. at 698, 448 A.2d at 436. Although it is not contemplated in the proposed legislation, taxation of one business entity under both methods could, in fact, result in double



taxation in a manner not permitted under our Constitution. Opinion of the Justices, 106 N.H. 202, 207, 208 A.2d 458, 462 (1965); N.H. CONST. pt. I, art. 12; pt. II, art. 5.

The effect of the legislation would be to establish two distinct classes of taxpayers: those who would be required to pay a 1% tax on their "alternate business profits," and those who would pay a 8.75% tax on their "able business profits." Predictably, smaller business corporations, proprietorships, and partnerships would fall into the first class, whereas larger corporations would fall into the second. While the legislature may, as we have noted above, attempt to remedy the disparity in the tax burden borne by different business entities in this State, it must substantially treat all business entities uniformly and equally. See Johnson & Porter Realty Co. v. Comm'r of Rev. Admin., 122 N.H. at 698, 448 A.2d at 436-37. It may not create alternative systems of taxation which inevitably result in two classes of taxpayers, paying differing rates of tax on essentially the same class of property, business income. Question two therefore is answered in the affirmative.

In view of our answers to questions one and two, we need not address the remaining questions.

John W. King  
Maurice P. Bois  
Charles G. Douglas, III  
David A. Brock  
William F. Batchelder

Sulloway, Hollis & Soden, by Martin L. Gross, filed a memorandum on behalf of the Fiscal Policy Committee of the New Hampshire Business and Industry Association, in support of the constitutionality of House Bill 316.

#### COMMITTEE REPORTS (cont.) (Consent Calendar)

HB 316-FN, relative to the alternate business profits tax. Inexpedient to Legislate.

HB 316-FN has been declared unconstitutional by the Supreme Court. Vote 19-0. Rep. Marjorie Y. Peters for Ways and Means.

SB 42-FN, amending the meals tax. Ought to Pass with Amendment.

SB 42 exempts the first \$.35 from the Rooms and Meals Tax. This will simplify collection and enforcement of the Rooms and Meals Tax. Vote 19-0. Rep. Marjorie Y. Peters for Ways and Means.

#### Amendment

Amend the bill by striking out sections 1, 2, and 4 and renumbering the existing sections 3 and 5 to read as 1 and 2 respectively.

SB 205-FN, requiring operators to make monthly returns and payments under the meals and rooms tax. Inexpedient to Legislate.

SB 205 is covered by other legislation. Vote 19-0. Rep. Marjorie Y. Peters for Ways and Means.

#### COMMITTEE REPORTS (Regular Calendar)

HB 214, authorizing a feasibility study for connecting I-393 with the Spaulding turnpike and making an appropriation therefor. Ought to Pass.

This bill makes an appropriation from the Highway Fund for an economic feasibility study on connecting Interstate 393 with the Spaulding Turnpike. Vote 17-1. Rep. Paul I. LaMott for Appropriations.

Ordered to third reading.

HB 216-FN, relative to appropriations for agriculture preservation and making an appropriation therefor. Recommended but to be Laid on the Table because not funded.

Source of funds: General - Bond, \$3,000,000; General - \$4,000. Vote 18-1. Rep. Margaret A. Ramsay for Appropriations.

Laid upon the table.

Rep. Gary Dionne notified the Clerk that he wished to be recorded in favor on HB 216.

HB 217-FN, relative to forgivable loans to students pursuing postsecondary programs leading to certification as teachers of mathematics or science and making an appropriation therefor. Recommended but to be Laid on the Table because not funded.

Source of funds: General, \$100,000. Vote 19-0. Rep. William F. Kidder for Appropriations.

Rep. Scranton yielded to questions.

Laid upon the table.

Rep. Gary Dionne notified the Clerk that he wished to be recorded in favor of HB 217.

HB 228-FN, relative to the sweepstakes fund. Inexpedient to Legislate.

Voice vote. Rep. William F. Kidder for Appropriations.

Resolution adopted.

HB 240-FN, to restore and rehabilitate the Tip Top house in Mount Washington state park and making an appropriation therefor. Ought to Pass with Amendment.

The Committee felt that this, the oldest building on the summit is well worth preserving. The amendment allows federal funds or private gifts, bequests and grants to be used to assist the project. Vote 17-1. Rep. Paul I. LaMott for Appropriations.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Appropriation. The sum of \$100,000 is hereby appropriated to the department of resources and economic development for the biennium ending June 30, 1985. This appropriation is in addition to any other sums appropriated to said department for the



biennium and shall be used only for the restoration and rehabilitation of the Tip Top house in Mount Washington state park as a permanent mountain historical museum. Notwithstanding the provisions of RSA 4:8, the department of resources and economic development is authorized to receive and expend for the purposes of this act private gifts, bequests, grants and federal assistance, if available. The governor is authorized to draw his warrant for said sum from any money in the treasury not otherwise appropriated.

2 Expenditure of Funds. The sums appropriated in section 1 of this act shall be expended under the direction and control of the department of resources and economic development and the capital budget overview committee. The provisions of RSA 228 relative to competitive bidding and RSA 447 relative to performance bonds shall not apply to this project.

3 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Ordered to third reading.

HB 261-FN, making an appropriation for the alcohol and drug abuse program. Inexpedient to Legislature.

The Committee felt that although this office received \$500,000 less this year in block grants, that the Governor's budget did replace \$400,000 of that. Vote 15-4. Rep. Andrea A. Scranton for Appropriations.

Rep. Scranton yielded to questions.

Resolution adopted.

Rep. Gary Dionne notified the Clerk that he wished to be recorded in favor of HB 261.

HB 275-FN, concerning state aid for special education. Recommended but to be Laid on the Table because not funded.

If funded this bill would require 7.0 M in general funds. Vote 14-5. Rep. William F. Kidder for Appropriations.

Laid upon the table.

Rep. Gary Dionne notified the Clerk that he wished to be recorded in favor of HB 275.

HB 283-FN, relative to voc-tech staff positions funding, and making an appropriation therefor. Recommended but to be Laid on the Table because not funded.

Source of funds: General, \$942,929; Other, \$559,800. Vote 14-5. Rep. William F. Kidder for Appropriations.

Laid upon the table.

Rep. Gary Dionne notified the Clerk that he wished to be recorded in favor of HB 283.

HB 292-FN, relative to a cooperative agreement to serve handicapped children, and making an appropriation therefor. Recommended but to be Laid on the Table because not funded.

Source of funds: General, \$5,000,000. Vote 11-8. Rep. William F. Kidder for Appropriations.

Reps. Scranton and William Boucher yielded to questions.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)  
YEAS 152 NAYS 162  
YEAS 152

BELKNAP: French, Hardy, Holbrook, Lamprey, Matthew Locke, Nighswander, Pearson, Sanders and David Whittemore.

CARROLL: Ashnault, Heath, Hraba, Kenneth MacDonald, McIntire, Murphy, Powers and Saunders.

CHESHIRE: Boulter, Eugene Clark, Gordon, Elmer Johnson, Lane, Miller, Morse, Perkins, Perry and Scranton.

COOS: Harold Burns, Chardon, Horton, Langley, Oleson and York.

GRAFTON: Blair, Christy, Downing, Driscoll, LaMott, Logan, Mann, McAvoy, Rounds, Stevens, Walter and Whitcomb.

HILLSBOROUGH: Debora Ahern, Ahrens, Arnold, Baker, Bass, John Burns, Leslie Burns, Carragher, Craig, William Dion, Duprey, Durant, Joseph Eaton, Fields, Grip, Head, Humphrey, Thomas Hynes, Jean, Robert Kelley, Knight, Labombarde, John Lawrence, Martineau, Marjorie Peters, Russell, Silva, B. P. Smith, Steiner, Tamposi, Van Loan, Wagner, Roger Wallace, Ware, Geraldine Watson, Kenneth Wheeler and M. Arnold Wight.

MERRIMACK: Allgeyer, Bardsley, Bibbo, Laurent Boucher, Cate, Degnan, Gross, Mary Holmes, Kidder, LaBranche, Lewis, Arthur Locke, McDonnell, Mercier, Nichols, Pannell, Phelps, Doris Riley, William Roberts, Rogers, Savaria, Shepard, Stark and Underwood.

ROCKINGHAM: Bangs, Beliveau, Benton, Burdick, Danderson, Ellyson, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Greene, Kane, Katsakiores, Roger King, Longworth, Mace, Malcolm, Robert Mason, William Moore, Nagel, Newell, Palumbo, Parr, Quimby, Schmidtchen, Sherburne, Simon, Skinner, Sloan, Stork, Sytek, Tavitian, Tufts, Vartanian, Webster and Raymond Wood.

STRAFFORD: Donnelly, Flynn, Robert Jones, Kincaid, Francis Robinson and Franklin Torr.

SULLIVAN: Gray, Ingram, Palmer and Townsend.

NAYS 162

BELKNAP: Birch, Bolduc, Bowler, Dexter, Gary Dionne, Golden, Robert Hawkins, Randall and Zeckhausen.

CARROLL: Chase, Dickinson and Robert Holmes.

CHESHIRE: Barber, Crane, Davis, Daniel Eaton, Eisengrein, Grodin, Matson, David Meader, Michaelides, Parker, Margaret Ramsay, William Riley and William Sullivan.

COOS: Chappell, Coulombe, Guay and Theriault.

GRAFTON: Chambers, Copenhaver, Crory, Densmore, Easton, Harnish, Hutchings, Michael King, Stewart, Taffe and Weymouth.

HILLSBOROUGH: Abrams, Ahlgren, Bergeron, Boutwell, Brack, Burkush, Cote, Cronin, Donovan, Ford, Gagnon, Galway, Grasso, Harrington, Daniel Healy, Hendrick, Kaklamanos, Kashulines, Katsiaficas, Keefe, Evelyn King, Leclerc, Lefebvre, Lynde, Lyons, McGlynn, Migneault, Morrisette, Nelson, Nickerson, Nute, O'Rourke, Parmenter, Pressly, Quinn, Raiche, Peter Ramsey, Reidy, Resch, Robie, Ellen-Ann Robinson, Spirou, James Sullivan, Mary Sullivan, Talbot, Turgeon, Vachon, John Wallace, Robert Wheeler, James J. White, Eleanor Whittemore and Zajdel.

MERRIMACK: Bowes, Samuel Clark, Daniell, Dean, Jacobson, Kinhan, Parrish, Louise Roberts, Walter Robinson, Stio, Lawrence Sullivan, Trombly, Wallner and James Whittemore.

ROCKINGHAM: Ames, Belanger, Blanchard, Blanchette, William Boucher, Butler, Campbell, Carpenito, Case, Cotton, Cressy, Thomas Gage, Hollingworth, John Hynes, Joslyn, Glenden Kelley, Kozacka, Krasker, Leslie, LoFranco, Lovejoy, McLane, Newman, Pevear, Popov, Romoli, Rosencrantz, Sochalski, Walker and Warburton.

STRAFFORD: Appleby, Banks, Belhumeur, Bernard, Blouin, Bouchard, Chagnon, Chamberlin, Couture, Demers, Dingle, Albert Dionne, Grassie, Hussey, Joos, Lussier, Sackett, Schreiber and Timm.

SULLIVAN: Brodeur, Carlson, Converse, Cutting, D'Amante, Paul Johnson and Reney, and the Committee report lost.

Rep. Krasker moved that the words, Ought to Pass, be substituted for the Committee report, Recommended, but to be Laid upon the Table because not funded, and spoke to her motion.

Rep. Kidder spoke against the motion.

Reps. Spirou and Cotton spoke in favor of the motion.

Rep. Scranton spoke to the motion and yielded to questions.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)  
YEAS 194 NAYS 129

YEAS 194

BELKNAP: Birch, Bolduc, Bowler, Dexter, Gary Dionne, Golden, Robert Hawkins, Nighswander, Randall, David Whittemore and Zechhausen.

CARROLL: Chase, Dickinson, Robert Holmes and Hraba.

CHESHIRE: Barber, Eugene Clark, Crane, Davis, Daniel Eaton, Eisengrein, Grodin, Matson, David Meader, Michaelides, Miller, Parker, Perry, Margaret Ramsay, William Riley and William Sullivan.

COOS: Chappell, Coulombe, Guay and Theriault.

GRAFTON: Blair, Chambers, Copenhaver, Crory, Densmore, Downing, Easton, Harnish, Hutchings, Michael King, McAvoy, Stevens, Stewart, Taffe, Weymouth and Whitcomb.

HILLSBOROUGH: Abrams, Debora Ahern, Richard Ahern, Ahlgren, Boutwell, Brack, Burkush, Cote, Cronin, William Dion, Donovan, Ford, Gagnon, Galway, Harrington, Daniel Healy, Hendrick, Thomas Hynes, Jean, Kaklamanos, Kashulines, Katsiaficas, Keefe, Evelyn King, Leclerc, Lefebvre, Lynde, Lyons, Howard Mason, McGlynn, Migneault, Morrisette, Nelson, Nickerson, Nute, O'Rourke, Parmenter, Pressly, Quinn, Raiche, Peter Ramsey, Reidy, Resch, Robie, Ellen-Ann Robinson, Spirou, Mary Sullivan, Talbot, Turgeon, Vachon, Wagner, John Wallace, Roger Wallace, James J. White and Zajdel.

MERRIMACK: Bowes, Samuel Clark, Daniell, Dean, Jacobson, Kinhan, Pannell, Parrish, Louise Roberts, Walter Robinson, Rogers, Savaria, Stio, Lawrence Sullivan, Trombly, Wallner and James Whittemore.

ROCKINGHAM: Belanger, Blaisdell, Blake, Blanchard, Blanchette, William Boucher, Burdick, Butler, Campbell, Carpenito, Case, Cotton, Cressy, Ellyson, Thomas Gage, Greene, Hollingworth, John Hynes, Katsakiores, Glenden Kelley, Kozacka, Krasker, Leslie, LoFranco, Lovejoy, Joseph MacDonald, McLane, William Moore, Newman, Pevear, Popov, Quimby, Romoli, Rosencrantz, Schmidtchen, Sherburne, Simon, Sochalski, Stork, Walker, Warburton and Raymond.

STRAFFORD: Appleby, Banks, Belhumeur, Bernard, Blouin, Chagnon, Chamberlin, Couture, Demers, Dingle, Albert Dionne, Flynn, Grassie, Hussey, Joos, Kincaid, Lussier, Francis Robinson, Sackett, Schreiber and Timm.

SULLIVAN: Brodeur, Carlson, Converse, Cutting, D'Amante, Ingram, Paul Johnson and Reney.

NAYS 129

BELKNAP: French, Hardy, Holbrook, Lamprey, Matthew Locke, Pearson and Sanders.

CARROLL: Ashnault, Heath, Kenneth MacDonald, McIntire, Murphy, Powers and Saunders.

CHESHIRE: Boulter, Galloway, Gordon, Elmer Johnson, Lane, Morse, Perkins and Scranton.

COOS: Harold Burns, Chardon, Horton, Langley, Oleson and York.

GRAFTON: Christy, Driscoll, LaMott, Logan, Mann, Rounds and Walter.

HILLSBOROUGH: Ahrens, Arnold, Baker, Bass, Bergeron, John Burns, Leslie Burns, Carragher, Craig, Duprey, Durant, Joseph Eaton, Fields, Grasso, Grip, Head, Humphrey, Robert Kelley, Knight, Labombarde, John

Lawrence, Levesque, Martineau, Marjorie Peters, Russell, Silva, B. P. Smith, Steiner, James Sullivan, Tamposi, Van Loan, Ware, Geraldine Watson, Kenneth Wheeler, Robert Wheeler, Eleanor Whittemore and M. Arnold Wight.

MERRIMACK: Allgeyer, Bardsley, Bibbo, Laurent Boucher, Gate, Degnan, Gross, Mary Holmes, Kidder, LaBranche, Lewis, Arthur Locke, McDonnell, Mercier, Nichols, Phelps, Doris Riley, William Roberts, Shepard, Stark and Underwood.

ROCKINGHAM: Ames, Bangs, Beliveau, Benton, Danderson, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Joslyn, Kane, Roger King, Longworth, Mace, Malcolm, Robert Mason, Nagel, Newell, Palumbo, Parr, Scamman, Skinner, Sloan, Sytek, Tavitian, Tufts, Vartanian and Webster.

STRAFFORD: Bouchard, Donnelly, Robert Jones, Paul Meader and Franklin Torr.

SULLIVAN: Gray, Palmer and Townsend, and the motion was adopted.

Ordered to third reading.

HB 298-FN, requiring the state board of education to develop and implement a comprehensive educational program on alcohol and drug abuse in public schools. Recommended but to be Laid on the Table because not funded.

Source of funds: General, \$500,000. Vote 14-5. Rep. William F. Kidder for Appropriations.

Laid upon the table.

Rep. Gary Dionne notified the Clerk that he wished to be recorded in favor of HB 298.

HB 386-FN, requiring the state to pay for out-of-state placement of juveniles. Recommended but to be Laid on the Table because not funded.

If funded this bill would require \$7.4 M in general funds. The problem of out-of-state placement of juveniles is a major one for this state. However, it is a policy problem which is not the purpose of the Committee. If money becomes available and this is a top priority of the House, perhaps it can be funded. Vote 10-7. Rep. William F. Kidder for Appropriations.

Laid upon the table.

Rep. Gary Dionne notified the Clerk that he wished to be recorded in favor of HB 386.

HB 551, relative to the catastrophic illness program and making an appropriation therefor and increasing the cigarette tax. Ought to Pass with Amendment.

Vote 17-2. Rep. Andrea A. Scranton for Appropriations.

Amendment

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Limitation on Appropriation. The appropriations made in section 3 of this act shall be limited to the amount of revenue derived from the equivalent of \$.0025 per package containing 20 cigarettes under RSA 78. The commissioner of revenue administration shall certify those revenues quarterly to the comptroller, who shall disburse the appropriate amounts up to the amount appropriated for the purposes of section 1 of this act.

5 Effective Date. This act shall take effect July 1, 1983.

Amendment adopted.

Ordered to third reading.

HB 656-FN, establishing a controlled substances board and making an appropriation therefor. Inexpedient to Legislate.

The Committee felt many persons and institutions were being double-charged and the bill sets up another dedicated fund. Vote 16-5. Rep. Andrea A. Scranton for Appropriations.

Rep. Sytek moved that the words, Refer for Interim Study, be substituted for the Committee report, Inexpedient to Legislate, and spoke to her motion.

Reps. Scranton and LaMott spoke in favor of the motion.

Motion adopted.

Referred for Interim Study.

SB 25-FN, relative to the issuance of state bonds and notes. Ought to Pass with Amendment.

Vote 17-4. Rep. Margaret A. Ramsay for Appropriations.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to the issuance of bonds and notes.

Amend the bill by striking out section 9 and inserting in place thereof the following:

9 Refunding Bonds Authorized. Amend RSA 33 by inserting after RSA 33:3-c the following new section:

33:3-d Refunding Bonds. A municipality or county may authorize the issuance of refunding bonds in order to pay all or part of any issue of bonds called or to be called for redemption, including any redemption premium thereon, all or part of the interest coming due on or prior to the date on which the outstanding bonds are redeemed, and the costs of issuing and marketing the refunding bonds. The authorization and issuance of refunding bonds shall be subject to the same requirements and provisions of law as would then be applicable to the authorization and issuance of the bonds being redeemed, as far as apt. Refunding bonds shall be payable in installments that are neither smaller in

amount nor later in time than the installments which were required by law for the bonds being redeemed. The proceeds of refunding bonds, exclusive of any premium and accrued interest and any proceeds used to pay issuing or marketing costs, shall, upon their receipt, be paid immediately to the paying agent for the bonds which are to be called and prepaid; and such paying agent shall hold such proceeds in trust until the bonds are redeemed. While such proceeds are held in trust, they may be invested for the benefit of the municipality or county in obligations issued or guaranteed by the United States of America or by any agency or instrumentality thereof, or as may be provided in any other applicable law of the state of New Hampshire relating to the investment or deposit of municipal or county funds; and the income derived from investment may be expended to pay the principal of and redemption premium, if any, on the refunded bonds and interest thereon until they are redeemed. Between the authorization of refunding bonds and the use of their proceeds to redeem bonds, such refunding bonds shall not be included in the net indebtedness of the municipality or county for the purpose of determining its borrowing capacity. Upon the use of the proceeds of refunding bonds, the refunding bonds shall be treated as debt of the municipality or county for the purposes and to the same extent as the redeemed bonds were so treated.

10 Findings. Amend RSA 204-C:20, I (supp) as inserted by 1981, 466:2 by striking out said paragraph and inserting in place thereof the following:

I. That, with respect to rental multi-family housing, eligible elderly and low income persons and families can afford the adjusted rentals or carrying charges set for a reasonable number, as determined by the authority, but in no event fewer than 1/8 of the units in the housing, to be financed pursuant to such commitment without the expenditure of more than 25 percent of their annual income for basic shelter cost, including the additional cost, if any, of heat, hot water, and other utilities, except telephone; provided, however, that, if, in order to make the project financially feasible or to obtain federal assistance, a different percentage of annual income shall be required, then such percentage of annual income shall be increased, or based on the federal requirement, if applicable.

11 Rent Levels. Amend RSA 204-C:22, II (supp) as inserted by 1981, 466:2 by striking out said paragraph and inserting in place thereof the following:

II. The rent or carrying charge to be charged to elderly and low income persons and families which rent shall be sufficiently low in the judgment of the authority for at least a reasonable number of the dwelling units, but in no event fewer than 1/8 of such units, to be provided by such housing to enable such persons and families to occupy such units without the expenditure of more than 25 percent of their annual income for basic shelter cost, including the additional cost, if any, of heat, hot water, and other utilities, except

telephone; provided, however, that, if, in order to make the project financially feasible or to obtain federal assistance, a different percentage of annual income shall be required, then such percentage of annual income shall be increased or based on the federal requirement, if applicable.

12 Effective Date.

I. Section 2 of this act shall take effect July 1, 1983.

11. The remainder of this act shall take effect upon its passage.

Amendment adopted.

Rep. Margaret Ramsay yielded to questions.

Rep. Crory offered an amendment.

Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

AN ACT

relative to the issuance of bonds and notes.

Amend the bill by striking out section 9 and inserting in place thereof the following:

9 Refunding Bonds Authorized. Amend RSA 33 by inserting after RSA 33:3-c the following new section:

33:3-d Refunding Bonds. A municipality or county may authorize the issuance of refunding bonds in order to pay all or part of any issue of bonds called or to be called for redemption, including any redemption premium thereon, all or part of the interest coming due on or prior to the date on which the outstanding bonds are redeemed, and the costs of issuing and marketing the refunding bonds. The authorization and issuance of refunding bonds shall be subject to the same requirements and provisions of law as would then be applicable to the authorization and issuance of the bonds being redeemed, as far as apt. Refunding bonds shall be payable in installments that are neither smaller in amount nor later in time than the installments which were required by law for the bonds being redeemed. The proceeds of refunding bonds, exclusive of any premium and accrued interest and any proceeds used to pay issuing or marketing costs, shall, upon their receipt, be paid immediately to the paying agent for the bonds which are to be called and prepaid; and such paying agent shall hold such proceeds in trust until the bonds are redeemed. While such proceeds are held in trust, they may be invested for the benefit of the municipality or county in obligations issued or guaranteed by the United States of America or by any agency or instrumentality thereof, or as may be provided in any other applicable law of the state of New Hampshire relating to the investment or deposit of municipal or county funds; and the income derived from investment may be expended to pay the principal of and redemption premium, if any, on the refunded bonds and interest thereon until they are redeemed. Between the authorization of refunding bonds and the use



of their proceeds to redeem bonds, such refunding bonds shall not be included in the net indebtedness of the municipality or county for the purpose of determining its borrowing capacity. Upon the use of the proceeds of refunding bonds, the refunding bonds shall be treated as debt of the municipality or county for the purposes and to the same extent as the redeemed bonds were so treated.

10 Findings. Amend RSA 204-C:20, I (supp) as inserted by 1981, 466:2 by striking out said paragraph and inserting in place thereof the following:

I. That, with respect to rental multi-family housing, eligible elderly and low income persons and families can afford the adjusted rentals or carrying charges set for a reasonable number, as determined by the authority, but in no event fewer than 1/8 of the units in the housing, to be financed pursuant to such commitment without the expenditure of more than 25 percent of their annual income for basic shelter cost, including the additional cost, if any, of heat, hot water, and other utilities, except telephone; provided, however, that, if, in order to obtain federal assistance, a different percentage of annual income shall be required, then such percentage of annual income shall be increased, or based on the federal requirement, if applicable.

11 Rent Levels. Amend RSA 204-C:22, II (supp) as inserted by 1981, 466:2 by striking out said paragraph and inserting in place thereof the following:

II. The rent or carrying charge to be charged to elderly and low income persons and families which rent shall be sufficiently low in the judgment of the authority for at least a reasonable number of the dwelling units, but in no event fewer than 1/8 of such units, to be provided by such housing to enable such persons and families to occupy such units without the expenditure of more than 25 percent of their annual income for basic shelter cost, including the additional cost, if any, of heat, hot water, and other utilities, except telephone; provided, however, that, if, in order to obtain federal assistance, a different percentage of annual income shall be required, then such percentage of annual income shall be increased or based on the federal requirement, if applicable.

12 General Obligations. Amend RSA 204-C:28 by inserting after paragraph II the following new paragraph:

III. In addition to the obligations which the authority may have outstanding under paragraphs I and II, the authority may issue notes and bonds not in excess of \$100,000,000 for the purposes specified in this paragraph. Such notes and bonds shall constitute general obligations of the authority payable out of any revenue or moneys of the authority, subject only to any agreements with the holders of particular notes or bonds pledging any particular revenues. The purposes for which such notes and bonds may be issued shall be to provide sufficient funds for any purpose authorized by this chapter; such notes and bonds may, at the discretion of the authority, be subject to the provisions of

RSA 204-C:41 with respect to any bond reserve fund established under RSA 204-C:40 and may, at the discretion of the authority, be subject to the provisions of RSA 204-C:49, II.

13 Effective Date.

I. Section 2 of this act shall take effect July 1, 1983.

II. The remainder of this act shall take effect upon its passage.

Hearing no objection the Chair advised the Clerk to dispense with the reading of the amendment.

Rep. Crory explained the amendment.

Reps. Margaret Ramsay and Quimby spoke in favor of the amendment.

Amendment adopted.

Ordered to third reading.

SB 97-FN, relative to the senate clerk. Ought to Pass with Amendment.

Vote 11-9. Rep. Margaret A. Ramsay for Appropriations.

#### Amendment

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Senate Clerk. Amend RSA 14:19 (supp) as amended by striking out said section and inserting in place thereof the following:

14:19 Senate Clerk. The compensation of the clerk of the senate shall be set at a rate to be determined by the senate subcommittee of the legislative facilities committee as established by RSA 17-E:5. The clerk of the senate shall be a legislative employee under the direction of the president who shall determine what days the clerk shall be in attendance.

2 Current Senate Clerk.

Notwithstanding any other provision of law, the person holding the position of senate clerk on the effective date of this act shall be construed to be a full time legislative employee and shall remain eligible for all fringe benefits as provided for full time employees for as long as he holds the position of senate clerk. Notwithstanding any other provision of law, the senate clerk in office on the effective date of this act shall be permitted to become a group I member of the New Hampshire retirement system with credit for service from July 31, 1976; provided that the senate clerk pay to the system an amount equal to what his contributions would have been had he been a member since July 31, 1976; provided further that the employer's contribution for the period from July 31, 1976, to the date he becomes a member shall be a charge against the salary adjustment fund.

3 Effective Date. This act shall take effect 60 days after its passage.

Amendment adopted.

Ordered to third reading.

SB 210-FN, providing for an appropriation to the New Hampshire constitution bicentennial education commission. Ought to Pass.



The Committee feels it is extremely important that the plans to commemorate our Constitution be carried out. Vote 16-0. Rep. Andrea A. Scranton for Appropriations.

Ordered to third reading.

#### SUSPENSION OF RULES

Rep. Rounds moved that the Rules be so far suspended as to permit consideration at the present time of HB 845-FN, relative to beano and lucky 7, the Committee on Regulated Revenues having reported after the deadline.

Adopted by the necessary two-thirds.

HB 845-FN, relative to beano and lucky 7. Inexpedient to Legislate. The majority of the Committee felt that the bingo provisions contained in this bill have been covered in SB 50, as amended. Vote 13-9. Rep. William A. Russell for Regulated Revenues.

Resolution adopted.

HB 270-FN, making an appropriation to the department of education for the payment of debt service for school construction. Ought to Pass with Amendment.

This bill pays school districts the building aid money due them for 1982 and 1983. The amendment requires that in case of a shortfall of money in any one year the State Board of Education shall fully fund the oldest approvals until the appropriation is fully expended. Vote 15-2. Rep. Andrea A. Scranton for Appropriations.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

making an appropriation to the department of education for the payment of debt service for school construction, changing the number of installments in which foundation aid shall be paid, and stipulating the manner of expenditure of insufficient funds.

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Supplemental Appropriation for School Building Aid. In addition to any other sums appropriated to the department of education, the sum of \$803,356.56 is hereby appropriated for the fiscal year ending June 30, 1983, to be expended for carrying out the mandate of RSA 198:15-a, annual grant for the payment of debt service for school construction. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Insufficient Funds. Amend RSA 198:15-e as inserted by 1955, 335:9 by striking out said section and inserting in place thereof the following:

198:15-e Insufficient Funds. If, in any year, the amount appropriated for distribution as school building grants in accordance with RSA 198:15-b is insufficient therefor, the appropriation shall be used to fully fund the oldest approvals of the state board of education until said appropriation is fully expended.

5 Effective Date. This act shall take effect upon its passage.

Amendment adopted.

Rep. Demers offered an amendment.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

making an appropriation to the department of education for the payment of debt service for school construction and changing the number of installments and the dates of foundation aid.

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 Foundation Aid Payment Dates. Amend RSA 198:10-b (supp) as inserted by 1955, 331:1 as amended by striking out said section and inserting in place thereof the following:

198:10-b --To Whom Paid. Foundation aid shall be paid to the school district legally responsible for the education of the pupils who attend approved public schools within the district or in other districts, as the case may be. Payment of foundation aid shall be made during the state fiscal year for which such aid is due. Payment shall be made on December 15 to school districts operating on a calendar year for financial reporting purposes, and on April 15 to school districts operating on a fiscal year for financial reporting purposes; provided, however, that under no circumstances shall any community receive more than one payment in any state fiscal year.

5 Effective Date. This act shall take effect upon its passage.

Hearing no objection, the Chair advised the Clerk to dispense with the reading of the amendment.

Rep. Demers explained the amendment.

Rep. Kidder spoke in favor of the amendment.

Amendment adopted.

Ordered to third reading.

HB 659-FN, relative to occupational and professional regulation. Ought to Pass with Amendment.

This bill creates the Health Professions Service Bureau which will regulate the health-related boards and commissions. The amendments address several concerns that were expressed to the Committee by various boards. The budget reflects the Committee's best estimate of what is needed to run the operation properly. Vote 14-5. Rep. Margaret A. Ramsay for Appropriations.

#### Amendment

Amend RSA 332-G:3 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

#### 332-G:3 Health Professions Service Bureau.

I. There is hereby established the health professions service bureau. The bureau shall perform all of the administrative functions, duties, and responsibilities which have been assigned by law or rule to the executive director, secretary, or other statutory administrator of the following boards:

(a) The board of barbering and cosmetology, RSA 313-A:2.

(b) The board of registration of funeral directors and embalmers, RSA 325:2.

(c) The board of chiropractic examiners, RSA 316:2.

(d) The board of dental examiners, RSA 317-A:2.

(e) The board of examiners of nursing home administrators, RSA 151-A:3.

(f) The board of registration in optometry, RSA 327:2.

(g) The pharmacy board, RSA 318:2.

(h) The board of registration in medicine, RSA 329:2.

(i) The board of podiatry, RSA 315:1.

(j) The board of examiners of psychologists, RSA 330-A:1.

(k) The board of veterinary medicine, RSA 332-B:3.

II. The bureau shall perform all of the administrative functions, duties, and responsibilities of the division of public health services under RSA 314:25-314:31, relative to electrolysis.

Amend RSA 332-G:5 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

#### 332-G:5 Director.

I. The bureau shall be administered by the director of the division of public health services. The term "executive director" or "secretary," or any other statutory term for the administrative officer of a board listed in RSA 332-G:3, means the director or his designee.

II. The director is the chief fiscal officer of the bureau and is responsible for hiring of all staff, and for procurement of all services and materials.

III. The director shall prepare an annual report to be presented to the governor and council which may include recommendations regarding operations of the

bureau and the boards it serves including adoption of standardized license renewal cycles wherever feasible.

IV. The director shall adopt rules under this chapter pursuant to RSA 541-A. This rulemaking authority shall be limited to rules relative to the administrative duties and functions assigned to the bureau, and relative to insuring the confidentiality of each board's records. Such rules shall not affect the rulemaking authority expressly granted to a board relative to certification, licensing, registration, or ethical standards and qualifications.

V. This chapter shall not be construed to authorize the commissioner of health and welfare, the director, or the bureau to limit the statutory powers and functions delegated to any board which is subject to the provisions of this chapter.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Implementation. The procedures of this act shall be implemented by the director of the division of public health services as soon as reasonable for an orderly transition period after the effective date of this act. Any person holding a valid license or certificate to practice any of the occupations regulated by this act may, upon expiration of his license, have his license renewed by the bureau by returning the appropriate renewal forms along with the required renewal fee, plus an additional \$2 transition fee. Any funds collected pursuant to the \$2 transition fee shall be deposited in the general fund. Thereafter, renewal fees shall be as established by the board.

Amend the bill by striking out section 4 and inserting in place thereof the following:

4 PAU created; Sunset. A new PAU, 5,02,02,06, is hereby created in the division of public health services, for the health professions service bureau. The bureau shall terminate on July 1, 1989, subject to RSA 17-G.

Amend the bill by striking out section 6 and inserting in place thereof the following:

6 Hiring Preference. In employing staff for the health professions bureau, the director of the division of public health services shall give preference to qualified persons employed, on July 1, 1983, by any board which is subject to the provisions of this act.

#### 7 Appropriation.

I. There is hereby appropriated to the health professions bureau, established by section 1 of this act, for the purposes of this act the following sums:

	Fiscal Year 1984	Fiscal Year 1985
Class 10 permanent personnel	\$111,501	\$116,785
Class 20 current expenses	39,051	39,051
Class 30 equipment	5,390	-0-
Class 50 other personal services	37,867	38,491
Class 60 benefits	24,825	26,003
Class 70 in-state travel	26,000	26,000
Class 80 out-of-state travel	4,000	4,000
Class 90 indirect costs	20,600	21,436
Class 91 data processing	25,940	2,500
Total	\$295,174	\$274,266

II. The governor is authorized to draw his warrants for the sums out of any money in the treasury not otherwise appropriated.

III. If HB 500 of the 1983 regular session, "An act making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1984, and June 30, 1985," becomes law, the appropriations in this section shall be in lieu of any appropriations made in HB 500 to the following PAU's:

- (a) The board of barbering and cosmetology, 02,06,06.
- (b) The board of registration of funeral directors and embalmers, 02,06,11.
- (c) The board of chiropractic examiners, 02,06,04.
- (d) The board of dental examiners, 02,06,07.
- (e) The board of examiners of nursing home administrators, 05,02,02,02,04.
- (f) The board of registration in optometry, 02,06,15.
- (g) The pharmacy board, 02,06,16.
- (h) The board of registration in medicine, 02,06,14.
- (i) The board of podiatry, 02,06,18.
- (j) The board of examiners of psychologists, 02,06,19.
- (k) The board of veterinary medicine, 02,06,24.
- (l) The electrolysis board, 02,06,09.

8 Effective Date. This act shall take effect July 1, 1983.

Amendment adopted.

Rep. Cutting moved that the words, Refer for Interim Study, be substituted for the Committee Report, Ought to Pass with Amendment, and spoke to her motion.

Reps. Langley, Townsend and Ward spoke against the motion.

Reps. Mary Sullivan and Daniell spoke in favor of the motion.

Rep. Chambers spoke in favor of the motion and yielded to questions.

Rep. Margaret Ramsay spoke against the motion and yielded to questions.

Rep. Joseph MacDonald moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)  
YEAS 140 NAYS 175  
YEAS 140

BELKNAP: Bolduc, Gary Dionne, Golden, Hardy, Robert Hawkins, Matthew Locke, Randall and David Whittemore.

CARROLL: Dickinson and Heath.

CHESHIRE: Barber, Boulter, Eugene Clark, Crane, Daniel Eaton, Elmer Johnson, Matson, Michaelides, William Riley and William Sullivan.

COOS: Coulombe, Guay, George Lemire, Theriault and York.

GRAFTON: Chambers, Crory, Easton, Michael King, Stewart, Walter, Weymouth and Whitcomb.

HILLSBOROUGH: Debora Ahern, Richard Ahern, Ahlgren, Boutwell, Burkush, Cronin, William Dion, Duprey, Durant, Gagnon, Grasso, Daniel Healy, Thomas Hynes, Kashulines, Katsiaficas, Keefe, Evelyn King, Labombarde, Leclerc, Levesque, Lynde, McGlynn, Migneault, Morrissette, Nelson, O'Rourke, Pressly, Raiche, Reidy, Robie, Ellen-Ann Robinson, Silva, B. P. Smith, Mary Sullivan, Talbot, Turgeon, Vachon, Roger Wallace, Ware, Kenneth Wheeler, Robert Wheeler, Eleanor Whittemore and Zajdel.

MERRIMACK: Bowes, Daniell, Degnan, Mary Holmes, Jacobson, LaBranche, Lewis, Arthur Locke, Mercier, Pannell, Parrish, Louise Roberts, Walter Robinson, Savaria, Shepard, Wallner and James Whittemore.

ROCKINGHAM: Belanger, Beliveau, Blaisdell, Blanchard, Butler, Carpenito, Connors, Cotton, Ellyson, Hollingworth, John Hynes,

Kozacka, Krasker, Leslie, LoFranco, Longworth, Joseph MacDonald, Newell, Newman, Pevear, Rosencrantz, Stork, Walker and Warburton.

STRAFFORD: Belhumeur, Bernard, Blouin, Bouchard, Chagnon, Chamberlin, Demers, Albert Dionne, Donnelly, Flynn, Crassie, Hennessey, Hussey, Robert Jones, Kincaid, Lussier and Schreiber.

SULLIVAN: Brodeur, Carlson, Converse, Cutting, D'Amante and Gray.

NAYS 175

BELKNAP: Birch, Dexter, French, Holbrook, Lamprey, Nighswander, Pearson and Zeckhausen.

CARROLL: Ashnault, Chase, Robert Holmes, Hraba, Kenneth MacDonald, McIntire, Murphy, Powers and Saunders.

CHESHIRE: Davis, Eisengrein, Galloway, Gordon, Grodin, Lane, David Meader, Miller, Morse, Parker, Perkins, Perry, Margaret Ramsay and Scranton.

COOS: Harold Burns, Chappell, Chardon, Horton, Langley and Oleson.

GRAFTON: Blair, Christy, Copenhaver, Densmore, Downing, Driscoll, Harnish, Hutchings, LaMott, Logan, Mann, McAvoy, Rounds, Stevens, Taffe and Ward.

HILLSBOROUGH: Abrams, Ahrens, Arnold, Baker, Bass, Bergeron, John Burns, Carragher, Cote, Craig, Donovan, Joseph Eaton, Fields, Ford, Galway, Grip, Harrington, Head, Hendrick, Humphrey, Jean, Robert Kelley, Knight, John Lawrence, Lefebvre, Lyons, Martineau, Nickerson, Nute, Parmenter, Marjorie Peters, Quinn, Peter Ramsey, Russell, James Sullivan, Tamposi, Van Loan, Wagner, John Wallace, Geraldine Watson and M. Arnold Wight.

MERRIMACK: Allgeyer, Bardsley, Bibbo, Laurent Boucher, Cate, Samuel Clark, Dean, Cross, Kidder, Kinhan, Nichols, Phelps, Doris Riley, William Roberts, Rogers, Stark, Stio, Lawrence Sullivan and Underwood.

ROCKINGHAM: Ames, Bangs, Benton, Blake, Blanchette, William Boucher, Burdick, Campbell, Case, Cressy, Danderson, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Greene, Joslyn, Kane, Katsakiores, Glenden Kelley, Roger King, Lovejoy, Mace, Malcolm, Robert Mason, McLane, William Moore, Nagel, Palumbo, Parr, Popov, Quimby, Romoli, Scamman, Schmidtchen, Sherburne, Simon, Skinner, Sloan, Sochalski, Splaine, Sytek, Tavirian, Tufts, Vartanian, Webster and Raymond Wood.

STRAFFORD: Appleby, Banks, Couture, Dingle, Joos, Francis Robinson, Sackett, Timm and Franklin Torr.

SULLIVAN: Ingram, Paul Johnson, Palmer, Reney and Townsend, and the motion lost.

Ordered to third reading.

SB 125, relative to the department of fish and game obtaining rights of way or access to certain bodies of water in the state and making an appropriation therefor. Ought to Pass.

Vote 21-0. Rep. Paul I. LaMott for Appropriations.

Rep. Bangs offered an amendment.

#### Amendment

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 Public Access to Certain Waters. The state shall obtain public access either by easement or by acquisition pursuant to RSA 230:63-71, to the following bodies of water in these general locations:

I. Connecticut river:

(a) Between Colebrook and Pittsburg.

(b) Between Lancaster and Colebrook.

(c) Vicinity of the Ascutney bridge, so called, in the city of Claremont.

II. Merrimack river:

(a) Between Boscawen and Franklin.

(b) Between the Massachusetts state line and Hooksett.

III. Big Diamond pond in the town of Stewartstown.

IV. Coldrain pond in the town of New Durham.

V. Silver lake in the towns of Belmont and Tilton.

VI. South pond in the town of Stark.

Hearing no objections, the Chair advised the Clerk to dispense with the reading of the amendment.

Rep. Bangs explained the amendment and yielded to questions.

Reps. Burdick, Quimby and Newell spoke against the amendment.

Rep. Rounds moved the previous question. Sufficiently seconded. Adopted. Amendment lost.

Ordered to third reading.

#### SENATE MESSAGES

#### NONCONCURS WITH AMENDMENT REQUESTS COMMITTEE OF CONFERENCE

SB 182, relative to discretionary easements.

The President appointed Sens. Podles, Bartlett and Blaisdell.

Rep. Campbell moved that the House accede.

Adopted.

The Speaker appointed Reps. Campbell, Whittemore, Sherburne and Joos.

#### REQUESTS CONCURRENCE WITH AMENDMENT

HB 73-FN, increasing the number of superior court associate judges. (amendment printed SJ 6/6)

Rep. Sytek moved that the House concur. Adopted.

HB 45, relative to driving while intoxicated. (amendment printed SJ 6/2)

Rep. Sytek moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Lane, Holbrook, Sytek and Lussier.

HB 145-FN, relative to sunset review of the labor department - inspection division. (amendment printed SJ 6/2)

Rep. Skinner moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Nichols, John Flanders, Robert Hawkins and Burkush.

HB 431-FN, relative to excavating and dredging permits and the wetlands board. (amendment printed SJ 6/2)

Rep. Paul Meader moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Dickinson, Chardon, Dingle and Blanchard.

HB 496-FN, creating a judicial compensation commission and relative to the continuance of part time district courts. (amendment printed SJ 6/2)

Rep. Sytek moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Francis Robinson, Sytek, Lane and Hollingworth.

HB 556, relative to prohibitions that take effect after a declaration of candidacy or a declaration of intent. (amendment printed SJ 6/2)

Rep. Flanagan moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Flanagan, Lawrence Sullivan, Lovejoy and George Lemire.

HB 702-FN, providing for the licensing of transporters of hazardous materials and wastes and defining the penalty structure and rulemaking process for hazardous materials or wastes transportation. (amendment printed SJ 6/2)

Rep. Greene moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Greene, Kozacka, Bowler and Popov.

HB 810, requiring labeling of products which contain urea-formaldehyde. (amendment printed SJ 5/31)

Rep. Quimby moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Quimby, William Roberts, Lucille Wood and Wayne King.

HB 733-FN, limiting rafting of boats, regulating distance between stationary boats, and expanding enforcement. (amendment printed SJ 6/2)

Rep. Dickinson moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Burdick, Dickinson, Lyons and Heath.

CACR 20, relating to the amount in controversy required for a jury trial. Providing that the amount be determined by law. (amendment printed SJ 6/2)

Rep. Joseph Eaton moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Joseph Eaton, Chase, Stark and Martineau.

HB 721, requiring group health insurers to continue health coverage for former spouses of members for a certain period of time. (amendment printed SJ 6/2)

Rep. Quimby moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Pressly, Crory, Thomas Hynes and Katsiaficas.

HB 762-FN, making criminal threatening a felony if a firearm is involved. (amendment printed SJ 6/2)

Rep. Sytek moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Sylvia, Daniel Eaton, Doris Riley and Paul Johnson.

HB 763-FN, relative to toxic substances in the workplace. (amendment printed SJ 6/2)

Rep. Skinner moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Skinner, Warburton, Tufts and Belhumeur.

HB 782, relative to the public employee labor relations law. (amendment printed SJ 6/2)

Rep. Skinner moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Skinner, Romoli, Nichols and Zajdel.

HB 382, adding members to joint committee on employment relations. (amendment printed SJ 6/2)

Rep. Skinner moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Skinner, Webster, Nichols and Robert Wheeler.

Its introduction having been approved by the Rules Committee, Rep. Rounds offered the following:



RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill of Intent number 2009, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

#### INTRODUCTION OF HOUSE BILL OF INTENT First, second reading and referral

HBI 2009, relating to executive department reorganization. (Executive Departments and Administration)

#### ENROLLED BILLS REPORT

CACR 2, relating to the term of the governor. Providing that the term shall be 4 years.

SB 91, providing cost of living increases to teachers retired prior to 1957.

SB 123, relative to holding executive sessions under the right to know law.

SB 132, relative to eligibility to unemployment compensation benefits.

SB 137, relative to an increase in recording charges.

SB 150, relative to hawker and peddler licenses.

HB 42, clarifying the need to vote by ballot on certain questions.

HB 190, to provide for payment of ambulance service in unincorporated areas.

HB 220, allowing an exemption from attachable property for jewelry up to \$500 in value.

HB 232, authorizing the transfer of boat registration fees previously collected to the dam maintenance fund.

HB 257, authorizing municipalities to appropriate money for any legal purpose.

HB 264, permitting towns to choose to elect highway agents for up to 3-year terms.

HB 324, reapportioning the Rockingham county commissioner districts.

HB 342, relative to increasing the maximum locally imposed fine for violation of a local bylaw.

HB 343, relative to enforcing water purity laws.

HB 371, relative to state party conventions.

HB 408, relative to hydro funds.

HB 412, establishing the position of assistant to the commissioner of the department of resources and economic development.

HB 418, establishing a diesel fuel tax study commission.

HB 469, relative to the attendance of the attorney general or his designee at involuntary commitment proceedings.

HB 520, relative to the right to privacy law.

HB 557, relative to recount procedures.

HB 558, relative to overseas voters.

HB 671, increasing the time within which a wrongful death action may be brought by an administrator.

HB 672, relative to actions allowed against insolvent estates.

HB 697, relative to emergency interim successors under the emergency interim succession act.

HB 704, relative to public hearings on change of size of board of selectmen.

HB 774, relative to inheritance of children born of unwed parents.

HB 815, relative to the flexibility of rules governing small businesses.

HB 838, correcting the over-apportionment made in the 1981 tax rate for the town of Bartlett.

Rep. Francis X. Donovan

Sen. John P.H. Chandler

For the Committee.

Rep. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourn today it be to meet Tuesday, June 7 at 1:00 p.m.

Adopted.

#### LATE SESSION

#### Third reading and final passage

HB 188-FN, increasing the personal needs allowance for recipients of medical assistance residing in nursing homes and making certain appropriations.

HB 223-FN, relative to communicable disease laboratory support services and making an appropriation therefor.

HB 235-FN, relative to emergency medical and psychiatric treatment for patients of state institutions and eligibility for admission to and care at Glencliff home for the elderly and making an appropriation therefor.

HB 238-FN, relative to the Nashua area aquifer delineation study and making an appropriation therefor.

HB 250-FN, making an appropriation to the department of education, division of vocational technical education.

HB 270-FN, making an appropriation to the department of education for the payment of debt service for school construction and changing the number of installments and the dates of foundation aid.

HB 277-FN, providing funds for 6 additional state troopers and equipment for state police and fire marshal for hazardous materials and waste enforcement and emergency response.

HB 279-FN, relative to the financing of regional planning commissions.

HB 291-FN, establishing a special education loan fund and making an appropriation therefor.

HB 304-FN, relative to a registered nurse program offering an associate degree at the New Hampshire vocational technical college in Berlin and making an appropriation therefor.

HB 307-FN, relative to cost of living increases in the New Hampshire retirement system and relative to employers picking up the employee contributions.

HB 659-FN, relative to occupational and professional regulation.

HB 703-FN, requiring the cost of medical and health insurance coverage for certain retired permanent policemen to be provided by the state retirement system, and continuing the study of the state becoming a self-insurer in health insurance through June 30, 1984.

HB 707-FN, relative to the employer's contribution rate under the New Hampshire retirement system for group II members and setting up a special account for earnings of the retirement system.

HB 781-FN, relative to service retirement benefits for group I members of the New Hampshire retirement system.

HB 847-FN, relative to a regional compact for the disposal of low-level radioactive waste.

SB 18-FN, amending the compensation offset provision relative to disability benefits under the New Hampshire retirement system.

SB 52-FN, relative to occupational and health safety programs.

SB 66-FN, relative to state guarantees for water pollution control projects and state contributions for the construction of pollution control systems.

SB 84, making a capital appropriation for the Manchester access ramp project.

SB 89, relative to the fish and game department.

SB 102-FN, making an appropriation for New Hampshire's share of the cost for the perambulation of the Maine-New Hampshire boundary.

SB 125, relative to the department of fish and game obtaining rights of way or access to certain bodies of water in the state and making an appropriation therefor.

SB 156-FN, providing an incentive for public and private postsecondary educational institutions to attract out-of-state students, and making an appropriation therefor.

SB 181, relative to improvements to the eastern New Hampshire turnpike and making an appropriation therefor.

SB 193-FN, providing for suggestion and incentive awards.

SB 212, providing for the purchase of a state liquor store on Coliseum avenue in Nashua and making an appropriation therefor.

SB 213-FN, to provide for the licensing and regulation of water well contractors and pump installers and for the furnishing of well and pump records to the state and making an appropriation therefor.

SB 215-FN, relative to grants for retired senior volunteer programs and making an appropriation therefor.

SB 42-FN, amending the meals tax.

HB 214, authorizing a feasibility study for connecting I-393 with the Spaulding turnpike and making an appropriation therefor.

HB 240-FN, to restore and rehabilitate the Tip Top House in Mount Washington state park and making an appropriation therefor.

HB 551, relative to the catastrophic illness program and making an appropriation therefor and increasing the cigarette tax.

SB 25-FN, relative to the issuance of state bonds and notes.

SB 97-FN, relative to the senate clerk.

SB 210-FN, providing for an appropriation to the New Hampshire constitution bicentennial education commission.

HB 674-FN, increasing the tax rate imposed under the business profits tax and making appropriations for certain purposes.

HB 292-FN, relative to a cooperative agreement to serve handicapped children and making an appropriation therefor.

#### UNANIMOUS CONSENT

Rep. Bardsley addressed the House under by consent.

Thank you. I've got five sentences only. It came as no surprise in terms of the budgetary questions we had to handle this afternoon. Nevertheless, it was a frustrating afternoon for me and I think it was for many of you also. I recognize the efforts the Ways and Means Committee made to raise monies, although under their own limitations of areas they would look. I appreciate the work that the Appropriations Committee did in trying to make those funds stretch as far as possible. I would, however, like to go on record and state that although I was not opposed to House Bill 674-FN and the limited supplemental package as recommended by the Appropriations Committee, I do feel that these programs do not go far enough to serve the needs of New Hampshire people. Therefore, I also believe that the House will be remiss and perhaps irresponsible if it does not consider additional means of raising revenue to serve these needs. And further, that an income tax measure specifically should come before the House for this purpose. Thank you.

Rep. Bowler moved that Rep. Bardsley's remarks be printed in the Journal.

Rep. Rounds moved that the House stand in recess for the purpose of Introduction of Bills and Enrolling Reports only.

Adopted.

The House recessed at 7:17 p.m.

#### RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn. Adopted.

#### COMMITTEE ASSIGNMENTS

Rep. Barbara Fried on State Institutions  
Rep. Dean Dexter on Statutory Revision

# HOUSE JOURNAL 29

*Tuesday, 7Jun83*

The House assembled at 1:00 p.m., and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

O Father Almighty, teach us to value our State in ways other than just money. Help us to see the moral character our citizens have held which created this State. Help us appreciate the beauty we are surrounded with. Help us understand the power in the good will of her people. Let the "ways and means" be secondary to the high standard of trust, honesty, and determination that has made this State a good place to live and work. Amen.

Rep. Robert Kelley led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Chisholm, Zimmerman, Stimmell, Waldron, Gordon Flint and Pantelakos, the day, illness.

Reps. Anderson, Nevins, Girouard, Emma Wheeler, Gregorio, Thomas Hynes, Gerald L. Smith, Mann, Fielding, Musler, Arthur Locke, Gelinas, John Webster, John Hynes and David Meader, the day, important business.

## INTRODUCTION OF GUESTS

Dieter Winterhoff and Mary Holmes, guests of Rep. Robert Holmes; Ruth White, mother of Rep. Pelley; Margaret Johnson, wife of Rep. Paul Johnson; Mary Carol Grip, wife of Rep. Grip; Eleanor Dawson, guest of Rep. Pevear; Captain James Steiner, son of Rep. Steiner; the fourth grade class of the Ledge Street School in Nashua and their teacher Mrs. Glasheen, guests of the Nashua delegation.

## SENATE MESSAGES CONCURRENCE

HB 207, making an appropriation to enable the New Hampshire hospital to purchase electrical power.

HB 102-FN, relative to sunset review of administration and control - budget and control.

HB 200-FN, creating a state funded unified court system and making an appropriation therefor.

HB 104-FN, relative to sunset review of administration and control - administration and control programs.

## NONCONCURRENCE

HB 728-FN, relative to screening for long term care.

HB 198-FN, relative to the proceeds from the sale of state property.

HB 243, authorizing the purchase of miscellaneous equipment and building repairs for the department of fish and game and making an appropriation therefor.

## REQUESTS CONCURRENCE WITH AMENDMENTS

HB 72-FN, to allow counties to set up trust funds. (amendment printed SJ 6/2)  
Rep. Lamprey moved that the House concur.  
Adopted.

HB 273, requiring presidential primary checklists to be deposited at the state archives and with the clerk of the federal district court and making certain other changes in the election laws. (amendment printed SJ 6/2)

Rep. Flanagan moved that the House concur.  
Adopted.

HB 351-FN, relative to certain trust funds. (amendment printed SJ 6/2)  
Rep. Lamprey moved that the House concur.  
Adopted.

HB 393, relative to the minimum wage for youths. (amendment printed SJ 6/2)  
Rep. Skinner moved that the House concur.  
Adopted.

HB 426, amending certain checklist practices. (amendment printed SJ 6/2)  
Rep. Flanagan moved that the House concur.  
Adopted.

HB 451-FN, relative to current use. (amendment printed SJ 6/2)  
Rep. Margaret Ramsay moved that the House concur.  
Adopted.

HB 493-FN, increasing jurisdictional amount of small claims. (amendment printed SJ 6/2)  
Rep. Sytek moved that the House concur.  
Adopted.

HB 516, relative to eligibility and liability for certain public assistance. (amendment printed SJ 5/31)  
Rep. Head moved that the House concur.  
Adopted.

HB 630, relative to changes in the construction clause of the law against discrimination. (amendment printed SJ 6/2)  
Rep. Sytek moved that the House concur.  
Adopted.

HB 655-FN, relative to beano at campgrounds and beano for children. (amendment printed SJ 6/2)  
Rep. Kenneth MacDonald moved that the House concur.  
Adopted.

HB 523-FN, amending the meals and rooms tax and certain powers of the collections division of the department of revenue administration. (amendment printed SJ 6/2)

Rep. Scamman moved that the House concur. Adopted.

HB 734, to require reporting of certain nuclear accidents to state and local authorities. (amendment printed SJ 6/2)

Rep. M. Arnold Wight moved that the House concur. Adopted.

HB 827, providing military recruiters access to schools and to directory information. (amendment printed SJ 6/2)

Rep. William Boucher moved that the House concur. Adopted.

HB 828, establishing the public guardianship and protection program. (amendment printed SJ 6/1)

Rep. Sytek moved that the House concur. Adopted.

#### ENROLLED BILLS AMENDMENT

HB 73-FN, relative to superior court associate justices, nonjudicial employee benefits, district court justice retirement, inspection of court facilities, judicial budgets, and certain positions in a department of corrections.

#### Amendment

Amend section 5 of the bill by striking out line 2 and inserting in place thereof the following:

Amend RSA 490:5-c by inserting after paragraph II the following new paragraph:

This amendment corrects an incorrect reference in the amending language. Adopted.

Rep. Taffe moved that HB 117-FN, relative to Sunset review of the state board

of education - postsecondary education administration and support, be removed from the table.

Adopted.

Rep. Taffe spoke in favor of the pending question on HB 117-FN, Inexpedient to Legislate.

Question being on the Committee report, Inexpedient to Legislate.

Resolution adopted.

Rep. William Boucher moved that HB 117-FN be Indefinitely Postponed. Adopted.

#### RECONSIDERATION

Rep. Margaret Ramsay moved that the House reconsider its action whereby it passed HB 307, relative to the cost of living increases in the New Hampshire retirement system, and spoke to her motion.

Reps. Krasker and Rounds spoke in favor of the motion.

Reconsideration prevailed.

Question being, shall HB 307 pass.

Rep. Ramsay offered an amendment.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to cost of living increases in the New Hampshire retirement system and relative to employers picking up the employee contributions.

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Increase in Retirement Allowance Rate for Group I and Group II Members Retiring Between October, 1979, and June, 1981. Amend RSA 100-A:42-b, II (supp) as inserted by 1977, 528:1 as amended by striking out said paragraph and inserting in place thereof the following:

#### II.

Employees	Date of Retirement	Retirement System	Percent Increase Payable
(a) Teachers	July, 1957-June, 1961	RSA 192	51
(b) Teachers	July, 1961-Dec., 1967	RSA 192	41
(c) Teachers	Jan., 1968-Sept., 1975	RSA 192	32
(d) Teachers	Jan., 1968-Sept., 1975	RSA 100-A	32
(e) Teachers	Oct., 1975-June, 1977	RSA 100-A	20
(f) Teachers	July, 1977-Sept., 1979	RSA 100-A	15
(g) Teachers	Oct., 1979-June, 1981	RSA 100-A	5
(h) Firemen	Prior to July, 1961	RSA 102	51
(i) Firemen	July, 1961-Dec., 1967	RSA 102	41
(j) Firemen	Jan., 1968-Sept., 1975	RSA 102	32
(k) Firemen	Jan., 1968-Sept., 1975	RSA 100-A	32
(l) Firemen	Oct., 1975-June, 1977	RSA 100-A	20
(m) Firemen	Oct., 1975-June, 1977	RSA 102	20
(n) Firemen	July, 1977-Sept., 1979	RSA 100-A	15
(o) Firemen	Oct., 1979-June, 1981	RSA 100-A	5

(p)	Policemen (Muni. & State)	Prior to July, 1961	RSA 103	51
(q)	Policemen (Muni. & State)	July, 1961-Dec., 1967	RSA 103	41
(r)	Policemen (Muni. & State)	Jan., 1968-Sept., 1975	RSA 103	32
(s)	Policemen (Muni. & State)	Jan., 1968-Sept., 1975	RSA 100-A	32
(t)	Policemen (Muni. & State)	Oct., 1975-June, 1977	RSA 100-A	20
(u)	Policemen (Muni. & State)	Oct., 1975-June, 1977	RSA 103	20
(v)	Policemen (Muni. & State)	July, 1977-Sept., 1979	RSA 100-A	15
(w)	Policemen (Muni. & State)	Oct., 1979-June, 1981	RSA 100-A	5
(x)	State & Muni. Employees	Prior to July, 1961	RSA 100	51
(y)	State & Muni. Employees	July, 1961-Dec., 1967	RSA 100	41
(z)	State & Muni. Employees	Jan., 1968-Sept., 1975	RSA 100	32
(aa)	State & Muni. Employees	Jan., 1968-Sept., 1975	RSA 100-A	32
(bb)	State & Muni. Employees	Oct., 1975-June, 1977	RSA 100-A	20
(cc)	State & Muni. Employees	July, 1977-Sept., 1979	RSA 100-A	15
(dd)	State & Muni. Employees	Oct., 1979-June, 1981	RSA 100-A	5

2 Funding of Death and Disabilities Benefits on a One Year Term Basis. Amend RSA 100-A:16, II(d) (supp) as inserted by 1967, 134:1 as amended by striking out said subparagraph and inserting in place thereof the following:

(d) commencing with the date of establishment and until the amount of the unfunded accrued liability has been established, the board of trustees shall determine the percentage normal contribution rate on account of each member classification as the uniform and constant percentage of the earnable compensation of the average new entrant member which, if contributed on the basis of his earnable compensation throughout his entire period of active service, would be sufficient to provide for the payment of any state annuity payable on his account from contributions by the employer. Commencing with the valuation as of June 30, 1969, the percentage normal contribution rate shall be determined after each actuarial valuation as the rate percent of earnable compensation of all members obtained by deducting from the total liabilities of the state annuity accumulation fund on account of each member classification the amount of unfunded accrued liability and the total amount of the funds in hand to the credit of the respective member classifications in that fund and dividing the remainder by one percent of the value of future compensation of all members within the appropriate member classification, except that in the case of death and disability benefits as provided by RSA 100-A:6, 100-A:8, and 100-A:9, such funding shall be determined on a one year term basis. Until the actuarial valuation as of June 30, 1969, has been prepared, the normal contribution rate for employee members shall be 3-2/10 percent, for teacher

members shall be 3-1/2 percent, for permanent policemen members shall be one percent, and for permanent firemen members shall be one percent. Commencing with the valuation as of June 30, 1983, the actuary in determining the percentage normal contribution rate may include a projection of the membership, earnable compensation and assets of the retirement system from the valuation date to the beginning of the year to which such percentage normal contribution rate is applicable.

3 Use of Reserves. The reserves created by the amendment of RSA 100-A:16, II(d) contained in section 2 of this act shall be available to pay benefits, provided that a portion of said reserves shall be used to fund the additional contribution for unfunded accrued liability caused by any change in the rate of earnings assumption, and provided further that any portion attributed to political subdivisions shall be applied to their normal contribution rate as calculated by the actuary commencing July 1, 1983. In no event, however, shall the use of reserves to provide funding for death and disability benefits on a one year term basis as provided in this section exceed \$964,635 in fiscal year 1984 and a like amount in fiscal year 1985.

4 Appropriation. In addition to the use of reserves as provided in section 3 of this act, the sum of \$450,071 is hereby appropriated to the New Hampshire retirement system for the purposes of this act for the fiscal year ending June 30, 1984, and the sum of \$450,071 is appropriated for said purposes for the fiscal year ending June 30, 1985. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

5 Application. The increase in the retirement allowance rate for group I and



group II members created by the amendment of RSA 100-A:42-b, II contained in section one of this act, and the reserves created to provide funding for death and disability benefits on a one year term basis by the amendment of RSA 100-A:16, II(d) contained in section 2 of this act shall have full force and effect for the biennium ending June 30, 1985. Beginning July 1, 1985, the provisions of RSA 100-A:42-b, II and RSA 100-A:16, II(d) prior to their amendment by this act shall once again become effective.

6 Picking Up Employee Contributions. Amend RSA 100-A:16, I by inserting after subparagraph (d) the following new subparagraph:

(e) With respect to all employees of any employer, such employer may pick up the employee contributions required by this section for all compensation earned after July 1, 1983; and the contributions so picked up shall be treated as employer contributions in determining federal tax treatment under the United States Internal Revenue Code; however, each employer shall continue to withhold federal income tax based upon these contributions until the Internal Revenue Service, or the federal courts, rule that, pursuant to section 414(h) of the United States Internal Revenue Code (1954), as amended, these contributions shall not be included as gross income of the employee until such time as they are distributed or made available. The employer shall pay these employee contributions from the same source of funds which is used in paying earnings to the employee. The employer may pick up these contributions by a reduction in the cash salary of the employee. Employee contributions picked up shall be treated for all purposes of this section in the same manner and to the same extent as employee contributions made prior to the date picked up.

7 Effective Date. This act shall take effect July 1, 1983.

Hearing no objection, the Speaker advised the Clerk to dispense with the reading of the amendment.

Rep. Ramsay explained the amendment. Amendment adopted. Ordered to third reading.

#### COMMITTEE REPORTS REMOVED FROM CONSENT CALENDAR

HBI 2006, relating to the control and restraint of guard dogs. Refer for Interim Study.

The overall subject of "guard dogs" is one that requires in-depth study, which can only be accomplished during the interim. Vote 9-0. Rep. Richardson D. Benton for Public Protection and Veterans Affairs.

Rep. Benton moved that the words Ought to Pass, be substituted for the Committee report, Refer for Interim Study. Adopted.

HBI 2004, relating to studying the amount of profit received on the sale of wine in privately owned stores and state liquor stores and ways in which the state may realize a larger margin of profit through the liquor commission. Refer for Interim Study.

The Committee would like to look at this as an opportunity to enhance revenue. Vote 15-0. Rep. W. Douglas Scamman for Ways and Means.

Rep. Scamman moved that the words Ought to Pass, be substituted for the Committee report, Refer for Interim Study. Adopted.

#### SENATE MESSAGE REQUESTS CONCURRENCE WITH AMENDMENT

HB 366-FN, establishing a joint administrative rule committee. (amendment printed SJ 6/2)

Rep. Ward moved that the House concur. Adopted.

#### ENROLLED BILLS REPORT

HB 312, requiring a consequence analysis study for the Seabrook nuclear power plant.

HB 367, establishing a legislative dam management review committee.

HB 688, making electronic banking available to credit unions.

HB 749, relative to the appellate division and appeal tribunal of the department of employment security.

HB 772, relative to the felonious use of body armor.

HB 808, authorizing the bank commissioner to provide independent insuring funds with certain information relative to financial institutions.

HB 809, relative to credit unions.

Rep. Francis X. Donovan  
Sen. John P. H. Chandler, Jr.  
For the Committee.

#### SENATE MESSAGE REQUESTS CONCURRENCE WITH AMENDMENTS

HB 53, establishing the department of postsecondary vocational education and making an appropriation therefor. (amendment printed SJ 6/6)

Rep. William Boucher moved that the House concur. Adopted.

HB 91, relative to the reconstruction of Camp Sargent road and making an appropriation therefor. (amendment printed SJ 6/6)

Rep. Bibbo moved that the House concur. Adopted.

HB 206, relative to the restoration of the covered bridge between Cornish, NH and Windsor, VT, and making an appropriation therefor. (amendment printed SJ 6/6)

Rep. Bibbo moved that the House concur and withdrew his motion.

Rep. Bibbo moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Townsend, Ingram, Silva and Donovan.

HB 209, relative to repairs to the state house and railroad line improvements. (amendment printed SJ 6/6)

Rep. Bibbo moved that the House concur. Adopted.

HB 310, relative to construction of the central New Hampshire turnpike and making an appropriation therefor. (amendment printed SJ 6/6)

Rep. Bibbo moved that the House concur. Adopted.

HB 361, requiring the checklist used at any state election to include the full name, address, and political affiliation of each voter. (amendment printed SJ 6/2)

Rep. Flanagan moved that the House concur. Adopted.

HB 403, relative to construction of a highway by-pass around the town of Conway. (amendment printed SJ 5/10)

Rep. Bibbo moved that the House concur. Adopted.

HB 462, relative to the rights of blind or hearing impaired persons accompanied by a dog guide or hearing ear dogs. (amendment printed SJ 6/1)

Rep. Head moved that the House concur. Adopted.

HB 460, amending the truck weight and size laws to conform to federal requirements. (amendment printed SJ 6/2)

Rep. Tavitian moved that the House concur. Adopted.

HB 575, withdrawing home office protection under the branch banking law from banks which are affiliates of bank holding companies. (amendment printed SJ 6/2)

Rep. Quimby moved that the House concur. Adopted.

HB 585-FN, permitting the labor commissioner to assess civil penalties. (amendment printed SJ 6/2)

Rep. Skinner moved that the House concur. Adopted.

HB 605-FN, relative to interference with custody. (amendment printed SJ 5/24)

Rep. Head moved that the House concur. Adopted.

Rep. Head moved that the House reconsider its action whereby it concurred with the Senate amendment to HB 605.

Reconsideration prevailed.

Rep. Head moved that the House nonconcur and request a Committee of Conference. Adopted.

The Speaker appointed Reps. Copenhagen, Joslyn, Knight and Daniell.

HB 400, making appropriations for capital improvements. (amendment printed SJ 6/6)

Rep. Bibbo moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Bibbo, Driscoll, James Chamberlin and Wagner.

HB 311-FN, making an appropriation to the water supply and pollution control commission. (amendment printed SJ 6/6)

Rep. Kidder moved that the House concur. Adopted.

HB 281-FN, increasing the beer tax. (amendment printed SJ 6/6)

Rep. Scamman moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Rounds, Heath, Kenneth MacDonald and Hennessey.

HB 744-FN, establishing a department of corrections. (amendment printed SJ 6/2)

Rep. Ward moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Mace, Dexter, Rosencrantz and Lane.

HB 833, designating the agencies responsible for overseeing a state equal employment opportunity plan. (amendment printed SJ 6/6)

Rep. Ward moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appoints Reps. Townsend, Chynoweth, Quimby and Harold Burns.

HB 560-FN, relative to the restructuring of the state mental health system, and making an appropriation therefor.

(amendment printed SJ 6/6)

Rep. Vartanian moved that the House concur.

Adopted.

#### ENROLLED BILL REPORT

HB 498, establishing migratory waterfowl stamp and a waterfowl conservation account.

Francis X. Donovan

Sen. Laurier Lamontagne

For the Committee.

#### SENATE MESSAGES REQUESTS CONCURRENCE WITH AMENDMENT

HB 500, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1984, and June 30, 1985. (amendment printed SJ 6/6)

Rep. Kidder spoke to the amendment.

Deputy Legislative Budget Assistant, Charles Connor, presented a detailed briefing of the amendment to HB 500, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1984, and June 30, 1985.

Rep. Ward requested a sense of the House to exclude Sections 46-85 of the amendment and spoke to the amendment.

Reps. Joos, Daniell, Chase, Scamman, M. Arnold Wight, Spirou and Rounds spoke in favor.

Rep. Vartanian spoke against and yielded to questions.

Rep. Townsend moved the previous question. Sufficiently seconded. Adopted. On a voice vote the request was adopted.

Rep. Hollingworth requested a sense of the House to exclude Section 152 of the amendment and spoke to the amendment.

On a voice vote, the Speaker was in doubt and requested a division.

202 members having voted in the affirmative and 101 in the negative, the request was adopted.

Rep. Hollingworth requested a sense of the House to exclude Section 141 of the amendment, spoke to the amendment and yielded to questions.

Rep. LaMott spoke to the request.

Rep. James J. White spoke in favor. A division was requested.

165 members having voted in the affirmative and 154 in the negative, the request was adopted.

Rep. Dickinson requested a sense of the House to exclude Section 95 of the amendment and spoke to the amendment.

On a voice vote the request lost.

Rep. Krasker requested a sense of the House to exclude Section 124 of the amendment and spoke to the amendment.

On a voice vote the Speaker was in doubt and requested a division.

217 members having voted in the affirmative and 102 in the negative, the request was adopted.

Rep. Grodin requested a sense of the House to exclude Sections 126 and 127 of the amendment, spoke to his request and withdrew his request.

Rep. Rounds moved that the House nonconcur with the Senate amendment and request a Committee of Conference.

Rep. Spirou spoke in favor of the motion. Adopted.

The Speaker appointed Reps. Tucker, Kidder, LaMott, Scranton and Margaret Ramsay.

HB 158, relative to sunset review of centralized data processing - administration and support. (amendment printed SJ 6/2)

Rep. M. Arnold Wight moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. M. Arnold Wight, Schmidtchen, Palumbo and Hrabá.

#### NONCONCURS WITH AMENDMENT REQUESTS COMMITTEE OF CONFERENCE

SB 68, expanding the law enforcement authority of the director of safety services and allowing the regulation of so called rafting offshore anchoring.

The President appointed Sens. Wiggins, Preston and Freese.

Rep. Paul Meader moved that the House accede.

Adopted.

The Speaker appointed Reps. Dickinson, Banks, Burdick and Schreiber.

SB 58, providing a limited hunting season for moose.

The President appointed Sens. Wiggins, Lamontagne and Freese.

Rep. French moved that the House accede. Adopted.

The Speaker appointed Reps. Cate, Turgeon, Doris Riley and George Hawkins.

SB 3, recodifying the state planning and zoning laws.

The President appointed Sens. Podles, Wiggins and Preston.

Rep. Lamprey moved that the House accede. Adopted.

The Speaker appointed Reps. Grodin, John Lawrence, Perry and Eugene Clark.

SB 84, making a capital appropriation for the Manchester access ramp project.

The President appointed Sens. Stabile, Bartlett and Champagne.

Rep. Bibbo moved that the House accede. Adopted.

The Speaker appointed Reps. Walter, Nute, LaMott and LaBranche.

#### REQUESTS CONCURRENCE WITH AMENDMENT

HB 650, relative to court procedures and the select commission to examine a unified court system. (amendment printed SJ 6/2)

Rep. Sytek moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Lane Holbrook, Sytek and Daniel Eaton.

#### NONCONCURS WITH AMENDMENT REQUESTS COMMITTEE OF CONFERENCE

SB 18, removing compensation offset provision from disability and death benefits under the New Hampshire retirement system.

The President appointed Sens. White, Bergeron and Chandler.

Rep. Ward moved that the House accede. Adopted.

The Speaker appointed Reps. Ward, Chynoweth, Malcolm and Margaret Ramsay.

#### REQUESTS CONCURRENCE WITH AMENDMENT

HB 521, regulating rental referral agencies, health clubs, and buying clubs. (amendment printed SJ 5/26)

Rep. Quimby moved that the House concur. Adopted.

#### NONCONCURS WITH AMENDMENT REQUESTS COMMITTEE OF CONFERENCE

SB 164, to provide that the term of the chairman of the liquor commission shall be coterminous with the term of governor.

The President appointed Sens. McLane, Blaisdell and Bartlett.

Rep. Ward moved that the House accede. Adopted.

The Speaker appointed Reps. Ward, Hutchings, Bass and Parmenter.

## REQUESTS CONCURRENCE WITH AMENDMENT

HB 442-FN, exempting credit union depositors from the interest and dividends tax. (amendment printed SJ 6/6)  
Rep. Quimby moved that the House concur.  
Adopted.

NONCONCURS WITH AMENDMENT  
REQUESTS COMMITTEE OF CONFERENCE

SB 72, relative to the Lake Sunapee dam.  
The President appointed Sens. Wiggins, Johnson and Freese.  
Rep. Paul Meader moved that the House accede.  
Adopted.  
The Speaker appointed Reps. Sanders, Lewis, Schreiber and Dickinson.

ACCEDES REQUEST FOR  
COMMITTEE OF CONFERENCE

HB 454, permitting group II members who reach age 65 to make an election for retirement benefits and providing creditable service for active state employees who served as members of the general court.

The President appointed Sens. Champagne, Lessard and Bartlett.

HB 763, relative to toxic substances in the workplace.

The President appointed Sens. Freese, Carswell and Stabile.

HB 45, relative to driving while intoxicated.

The President appointed Sens. Champagne, Blaisdell and Stabile.

HB 702, providing for the licensing of transporters of hazardous materials and wastes and defining the penalty structure and rulemaking process for hazardous materials or wastes transportation.

The President appointed Sens. Wiggins, Bartlett and Preston.

HB 531, relative to liquor and wine.  
The President appointed Sens. Blaisdell, Lamontagne and Bergeron.

## CONCURRENCE WITH AMENDMENTS

SB 20, authorizing the town of Hampton to establish a solid waste management district.

SB 212, providing for the purchase of state liquor stores in Nashua and Lebanon and making an appropriation therefor.

SB 157, to regulate certified clinical social workers.

SB 100, allowing employees to receive payments from certain supplemental plans without a reduction in their unemployment compensation benefits.

## ENROLLED BILLS AMENDMENT

HB 236, providing special registration plates for members of the national guard and judiciary, and for the secretary of state and state treasurer.

## Amendment

Amend section 1 of the bill by striking out lines 3-6 and inserting in place thereof the following:

1981, 146:1 by striking out said section and inserting in place thereof the following:

This amendment corrects the amending language contained in section 1 of the bill.  
Adopted.

SENATE MESSAGES  
ACCEDES REQUEST FOR  
COMMITTEE OF CONFERENCE

HB 465, relative to proceedings before the water resources board.

The President appointed Sens. Wiggins, Preston and Poulsen.

HB 496, creating a judicial compensation commission and relative to the continuance of part time district courts.

The President appointed Sens. Champagne, Splaine and Lessard.

HB 556, relative to prohibitions that take effect after a declaration of candidacy or a declaration of intent.

The President appointed Sens. Carswell, Stephen and Wiggins.

CACR 20, relating to the amount of controversy required for a jury trial.  
Providing that the amount be determined by law.

The President appointed Sens. Champagne, Lessard and Splaine.

HB 233, relative to the licenses for bait dealers.

The President appointed Sens. Wiggins, Preston and Johnson.

HB 382, adding members to joint committee on employment relations.

The President appointed Sens. Freese, Boyer and Bergeron.

HB 810, requiring labeling of products which contain urea-formaldehyde.

The President appointed Sens. McLane, Stabile and Poulsen.

HB 727, relative to fees for criminal record checks and for private detective and security guard services.

The President appointed Sens. Podles, Stephen and Lessard.

HB 178, relative to utilities eminent domain procedures.

The President appointed Sens. Podles, Bartlett and Stephen.

HB 145, relative to sunset review of the labor department - inspection division.

The President appointed Sens. Freese, Bergeron and Blaisdell.

HB 431, relative to excavating and dredging permits and the wetlands board.

The President appointed Sens. Wiggins, Poulsen and Johnson.

HB 127, relative to sunset review of the higher education fund - UNH system administration.

The President appointed Sens. White, Roy and Bergeron.

HB 782, relative to the public employee labor relations law.

The President appointed Sens. Freese, Wiggins and Bergeron.

HB 733, limiting rafting of boats, regulating distance between stationary boats, and expanding enforcement.

The President appointed Sens. Wiggins, Freese and Preston.

HB 381, legalizing the name "Contoocook Village Precinct," legalizing certain meetings and authorizing the collection of taxes on certain dates in the town of Londonderry.

The President appointed Sens. McLane, Freese and Chandler.

HB 721, requiring group health insurers to continue health coverage for former spouses of members for a certain period of time.

The President appointed Sens. Freese, Bergeron and Stabile.

HB 762, making criminal threatening a felony if a firearm is involved.

The President appointed Sens. Boyer, Splaine and Lessard.

#### RECONSIDERATION

Rep. Daniell moved that the House reconsider its action whereby it nonconcurrent with the Senate amendment to HB 500, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1984, and June 30, 1985, and spoke to his motion.

Reconsideration lost.

#### SENATE MESSAGES NONCONCURS WITH AMENDMENT REQUESTS COMMITTEE OF CONFERENCE

SB 55, relative to shooting human beings while on a hunting trip or shooting in the woodlands.

The President appointed Sens. Wiggins, Preston and Freese.

Rep. Sytek moved that the House accede. Adopted.

The Speaker appointed Reps. Doris Riley, Daniel Eaton, Sylvia and Geraldine Watson.

SB 169, establishing a study committee to review the rules of the water supply and pollution control commission, which do not have anything to do with municipal systems and making an appropriation therefor.

The President appointed Sens. Wiggins, Freese and Preston.

Rep. Paul Meader moved that the House accede.

Adopted.

The Speaker appointed Reps. Woodward, Sanders, Blanchard and Bardsley.

SB 50, relative to bingo and lucky 7. The President appointed Sens. Podles, Hough and Blaisdell.

Rep. Kenneth MacDonald moved that the House accede.

Adopted.

The Speaker appointed Reps. Kenneth MacDonald, Spirow, Russell and Robert Mason.

#### PERSONAL PRIVILEGE

Rep. Harrington addressed the House under Personal Privilege.

#### SENATE MESSAGES NONCONCURS WITH AMENDMENT REQUESTS COMMITTEE OF CONFERENCE

SB 112, relative to the establishment of jurisdiction over certain health insurers.

The President appointed Sens. Freese, Bergeron and Champagne.

Rep. Quimby moved that the House accede. Adopted.

The Speaker appointed Reps. Harold Burns, B. P. Smith, William Roberts and Baker.

SB 113, relative to domestic and foreign insurers.

The President appointed Sens. Freese, Bergeron and Champagne.

Rep. Quimby moved that the House accede. Adopted.

The Speaker appointed Reps. Harold Burns, B. P. Smith, William Roberts and Baker.

SB 194, relative to dry cleaning establishments.

The President appointed Sens. Podles, Stephen and Bartlett.

Rep. Quimby moved that the House accede. Adopted.

The Speaker appointed Reps. Crory, Guay, Christy and Logan.

SB 115, relative to major medical insurance policies.

The President appointed Sens. Freese, Blaisdell and Bergeron.

Rep. Quimby moved that the House accede. Adopted.

The Speaker appointed Reps. Harold Burns, B. P. Smith, William Roberts and Baker.

#### CONCURRENCE WITH AMENDMENTS

SB 175-FN, relative to salvage certificates of titles and salvage vehicle decals.

SB 193-FN, providing for suggestion and incentive awards.

SB 42, amending the meals tax.

SB 200, relative to political activities by classified state employees.

Rep. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this



resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourn today it be to meet Thursday, June 9 at 10:00 a.m.

Adopted.

#### LATE SESSION

Third reading and final passage

HB 307, relative to cost of living increases in the New Hampshire retirement system and relative to employers picking up the employee contributions.

Rep. Rounds moved that the House stand in recess for the purpose of Enrolled Bills Reports only.

Adopted.

The House recessed at 6:06 p.m.

#### RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn.  
Adopted.

# HOUSE JOURNAL 30

*Thursday, 9Jun83*

The House assembled at 10:00 a.m., and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

I am frightened, dear Father, by the insecurities about me. I am sorely tempted to run for my life, to take refuge in foolish escapades that dim the vision and drug the soul. There is no escape from the realities of this world. But there is a place of refuge. You, dear God are in our midst. You are aware of our fears and apprehensions and treat us like beloved children. Let the brightness of this morning and the kindness of our friends and the call to be in this place remind us of Your caring. Let us be on with our day's work in faith. Amen.

Rep. McAvoy led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Chisholm, Zimmerman, Stimmell, Waldron, Debora Ahern and Stevens, the day, illness.

Reps. Bibbo, Sylvia, Silva, Longworth, Anderson, Emma Wheeler, Densmore, Cotton, Copenhaver, Chagnon, Girouard, Eugene Clark, Boulter, Hickey, Simon, Michael Jones and Crotty, the day, important business.

## INTRODUCTION OF GUESTS

Students from the second grade North Salem Elementary School and their teachers Mrs. Corburn, Mrs. Harding and Mrs. Cocozza, guests of Rep. Skinner; Jean and Lisa Ingram, son and daughter-in-law of Rep. Ingram; Alison White, wife of Rep. James J. White; third grade students of the Gilford School, guests of Reps. Birch and Pearson; former Representative Francis Seely; Mr. Malcolm Dole, guests of the House.

## COMMUNICATION

Carl Peterson  
House Clerk

Dear Mr. Peterson:

This is to advise that the following representatives-elect were sworn into office by the Governor and Executive Council on June 9, 1983:

Carroll County District No. 1 (Bartlett, Chatham, Hart's Location, Jackson)

Gene C. Chandler, r, Bartlett (Main Street) 03812

Grafton County District No. 9 (Ashland, Bridgewater)

John B. Townsend, r, Bridgewater (RD 2, Box 312, Plymouth) 03264

Sincerely,  
Robert P. Ambrose  
Deputy Secretary of State

## CONFEREES CHANGES

HB 206, relative to the restoration of the covered bridge between Cornish, N.H. and Windsor, Vt. and making an appropriation therefor. - Rep. Walter replaces Rep. Silva

HB 605, relative to interference with custody. - Rep. Head replaces Rep. Copenhaver

## SENATE MESSAGES NONCONCURS IN INTRODUCTION

HB 646, establishing a department of transportation.

## NONCONCURRENCE WITH AMENDMENT

SB 168, relative to the licensing of alarm installers.

## CONCURRENCE WITH AMENDMENT

SB 66, relative to state guarantees for water pollution control projects and state contributions for the construction of pollution control systems in certain towns.

## ACCEDES TO REQUEST FOR COMMITTEE OF CONFERENCE

HB 833, designating the agencies responsible for overseeing a state equal employment opportunity plan.

The President appointed Sens. Champagne, Bergeron and Carswell.

HB 744, establishing a department of corrections.

The President appointed Sens. Carswell, Wiggins and Stephen.

HB 605, relative to interference with custody.

The President appointed Sens. McLane, Poulsen and Podles.

HB 500, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1984 and June 30, 1985.

The President appointed Sens. Roy, White and Bergeron.

HB 400, making appropriations for capital improvements.

The President appointed Sens. Stabile, Podles and Blaisdell.

HB 281, increasing the beer tax.

The President appointed Sens. Blaisdell, White and Podles.

HB 206, relative to the restoration of the covered bridge between Cornish, New Hampshire and Windsor, Vermont and making an appropriation therefor.

The President appointed Sens. Stabile, Chandler and Blaisdell.

HB 158, relative to sunset review of centralized data processing - administration and support.

The President appointed Sens. Carswell, White and Bergeron.

HB 650, relative to court procedures and the select commission to examine a unified court system.

The President appointed Sens. Boyer, Lessard and Carswell.

#### NONCONCURS WITH AMENDMENT REQUESTS COMMITTEE OF CONFERENCE

SB 141, reinstating the options of appealing to the superior court in lieu of appealing to the board of tax and land appeals.

The President appointed Sens. Champagne, Freese and Boyer.

Rep. Sytek moved that the House accede. Adopted.

The Speaker appointed Reps. Thomas Gage, Duprey, Lane and Hollingworth.

SB 144, relative to the illegal purchase of alcoholic beverages by underage persons.

The President appointed Sens. Champagne, Lessard and Bartlett.

Rep. Sytek moved that the House accede. Adopted.

The Speaker appointed Reps. Lane, David King, Thomas Gage and Daniel Eaton.

SB 143-FN, making several changes in the criminal law and relative to the suspension of a person's driver's license or driving privilege for failure to appear or pay a fine.

The President appointed Sens. Champagne, Carswell and Splaine.

Rep. Sytek moved that the House accede. Adopted.

The Speaker appointed Reps. Sytek, Michael King, David King and Francis Robinson.

SB 171, relative to the board of registration in medicine and the terms of certain positions at New Hampshire hospital.

The President appointed Sens. McLane, Podles and Splaine.

Rep. Ward moved that the House accede. Adopted.

The Speaker appointed Reps. Ward, Sara Townsend, Harold Watson and Rosencrantz.

SB 89, relative to the sale of state owned land.

The President appointed Sens. White, Bergeron and Podles.

Rep. Kidder moved that the House accede. Adopted.

The Speaker appointed Reps. Palmer, Matson, Steiner and Oleson.

SB 25, relative to the issuance of bonds and notes.

The President appointed Sens. Freese, Bartlett and Stephen.

Rep. Kidder moved that the House accede. Adopted.

The Speaker appointed Reps. Margaret Ramsay, Schmidtchen, Langley and Michael King.

SB 97, relative to the senate clerk. The President appointed Sens. White, Carswell and Blaisdell.

Rep. Beverly Gage moved that the House accede.

Adopted.

The Speaker appointed Reps. Beverly Gage, Rounds, French and Chambers.

#### REQUESTS CONCURRENCE WITH AMENDMENTS

HB 468, relative to the state council on aging. (amendment printed SJ 6/2)

Rep. Sara Townsend moved that the House concur.

Adopted.

HB 565-FN, changing the name of the department of health and welfare to the department of health and human services. (amendment printed SJ 6/2)

Rep. Ward moved that the House concur. Adopted.

HB 695-FN, relative to withdrawal and fringe benefits for certain unclassified state employees under the retirement system and reducing the normal contribution rate to the retirement system which certain employers must pay. (amendment printed SJ 6/2)

Rep. Ward moved that the House nonconcur and request a Committee of Conference.

Reps. Demers, Belhumeur and Newman spoke against the motion.

Reps. Ward and Gregorio spoke in favor of the motion.

Motion adopted.

The Speaker appointed Reps. Gregorio, Pelley, Malcolm and Margaret Ramsay.

#### NONCONCURS WITH AMENDMENT REQUESTS COMMITTEE OF CONFERENCE

SB 156, providing an incentive for public and private postsecondary educational institutions to attract out of state students and making an appropriation therefor.

The President appointed Sens. White, Bergeron and Chandler.

Rep. Kidder moved that the House accede. Adopted.

The Speaker appointed Reps. Scranton, Sackett, William Riley and Gross.

#### REQUESTS CONCURRENCE WITH AMENDMENT

HB 802, relative to morticians. (amendment printed SJ 6/2)

Rep. Ward moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Sara Townsend, Mace, Harold Watson and Daniel Eaton.

HB 202, establishing the ward lines for the city of Manchester and amending the Manchester city charter. (amendment printed SJ 6/2)

Rep. Flanagan moved that the House nonconcur and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Flanagan, Heath, Stark and James J. White.

#### ENROLLED BILLS AMENDMENTS

HB 357, relative to the acquisition of a dam in disrepair by a town or village district and proceedings before the water resources board.

##### Amendment

Amend section 1 of the bill by striking out lines 1-3 and inserting in place thereof the following.

1 Definition. Amend RSA 482:1 by inserting after paragraph V the following new paragraph:

VI. "Town," for the purpose of RSA 482:42-59, shall also include a

The amendment rennumbers the inserted paragraph because 1983, 88:1 (HB 377) inserted RSA 482:1, V.

Adopted.

HB 229, relative to hunting and fishing guides and license fees pertaining thereto.

##### Amendment

Amend RSA 207:1, XIII as inserted by section 1 of the bill by striking out line one and inserting in place thereof the following:

XIII. Guiding: Includes every act whereby a person for hire directs,

This amendment changes the paragraph heading of RSA 207:1, XIII as inserted by section 1 of the bill from "guide" to "guiding" in order to distinguish the act of guiding as defined in that paragraph from the definition of a "guide" which appears in paragraph XII of that section.

Adopted.

HB 349, providing restitution to the state for illegally taking or possessing game animals, game birds and fur bearing animals; and authorizing the executive director to set a different season for nonresidents taking fur bearing animals.

##### Amendment

Amend section 1 of the bill by striking out lines 2-13 and inserting in place thereof the following:

following new subdivision:

Restitution for Illegal Taking  
or Possessing

207:55 Restitution for Illegal Taking  
or Possessing.

I. In addition to the penalties provided for violating any of the provisions of RSA title LXII or title XVIII or any rule made under the authority thereof, any person convicted of the illegal taking or illegal possession of game animals, game birds, or fur bearing animals, resulting in the injury, death, or destruction of the same, may be sentenced to make restitution to the state for the value of each game animal, game bird, or fur bearing animal so taken or possessed as follows:

(a) Marten, moose and bear: \$500 per animal illegally taken or illegally possessed.

(b) Deer: \$250 per animal illegally taken or illegally possessed.

The amendment inserts a subdivision heading.

Adopted.

HB 37-FN, limiting the area of operation for the housing finance agency.

##### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

##### AN ACT

limiting the area of operation for the housing finance authority.

This amendment corrects the title of the bill to reflect the proper name of the housing finance authority.

Adopted.

HB 200-FN, creating a state funded unified court system and making an appropriation therefor.

##### Amendment

Amend RSA 6:12, I(f) as inserted by section 2 of the bill by striking out line 2 and inserting in place thereof the following:

are derived from registration fees, drivers' licenses, gasoline road

Amend the bill by striking out lines 1 and 2 of section 8 and inserting in place thereof the following:

8 Expenses of Bonds of County Officers. Amend RSA 27:4 as amended by striking out said section and inserting in place thereof the following:

Amend the bill by striking out section 10 and inserting in place thereof the following:

10 Authorization to Recopy Public Records. Amend RSA 28:25 by striking out said section and inserting in place thereof the following:

28:25 Authorization. The county commissioners may authorize and direct the register of deeds to make, at the expense of

the county, in suitable books, true copies of any of the public records in his office which have become so faded, worn out or otherwise defaced that, in his judgment, it is necessary they should be copied in order to insure the preservation of such records.

Amend the bill by striking out lines 1 and 2 of section 14 and inserting in place thereof the following:

14 Distribution of Fines. Amend RSA 106-B:10 as inserted by 1961, 166:4 as amended by striking out said section and inserting in place thereof the following:

Amend the bill by striking out lines 1-3 of section 15 and inserting in place thereof the following:

15 Motor Vehicle Fines Not Included in Highway Surplus Account. Amend RSA 228:11 as inserted by 1981, 87:1 by striking out said section and inserting in place thereof the following:

Amend the bill by striking out lines 1-3 of section 22 and inserting in place thereof the following:

22 Masters' Fees. Amend RSA 498:13 by striking out said section and inserting in place thereof the following:

Amend the bill by striking out lines 1-3 of section 26 and inserting in place thereof the following:

26 Fees to Benefit State. Amend RSA 499:18, 1 (supp) as inserted by 1963, 219:1 as amended by striking out in line 2 the word "county" and inserting in place thereof the following (state) so that said paragraph as amended shall read as follows:

Amend the bill by striking out lines 1-3 of section 59 and inserting in place thereof the following:

59 Payment of Witnesses in Criminal Cases. Amend RSA 592-A:12 (supp) as inserted by 1957, 244:8 as amended by striking out said section and inserting in place thereof the following:

Amend the bill by striking out lines 1-3 of section 60 and inserting in place thereof the following:

60 Bail Money. Amend RSA 597:3 by striking out said section and inserting in place thereof the following:

Amend the bill by striking out lines 1-3 of section 61 and inserting in place thereof the following:

61 Delete Reference to County Commissioners. Amend RSA 597:33 by striking out said section and inserting in place thereof the following:

Amend paragraph III of section 80 of the bill by striking out line 1 and inserting in place thereof the following:

III. Sections 9, 10, 11, 27, 39, 43, 45, 59, 61, 62, 71, 75 and

Amend paragraph IV of section 80 of the bill by striking out same and inserting in place thereof the following:

IV. Section 28 of this act shall take effect June 30, 1983, at 11:59 p.m.

V. The remainder of this act shall take effect January 1, 1984.

The first amendment corrects a term to follow the motor vehicle recodification adopted in 1981. The next 10 amendments correct amending language and grammatical errors. The last 2 amendments correct a problem with the effective date for section 28.

Adopted.

#### COMMITTEE OF CONFERENCE REPORT ON HJR 4

HJR 4-FN, memorializing the Vietnam veterans. (report printed SJ 6/77)

Rep. Benton moved that the House adopt the report.

Adopted.

#### COMMITTEE OF CONFERENCE REPORT ON HB 294

HB 294-FN, providing for a method of protection of the groundwater of the state and establishing a water resources management program. (report printed SJ 6/77)

Rep. Burdick moved that the House adopt the report.

Adopted.

#### COMMITTEE OF CONFERENCE REPORT ON SB 164

The committee of conference to which was referred Senate Bill 164, An Act to provide that the term of the chairman of the liquor commission shall be coterminous with the term of the governor, having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend section 2 of the bill by striking out same and inserting in place thereof the following:

2 Current Chairman. Notwithstanding any other provision of law to the contrary, the term of the present chairman of the state liquor commission as chairman and as a member of the commission shall not expire until June 30, 1985.

Conferees on the Part of the Senate:

Sens. McLane, Dist 15; Blaisdell, Dist 10 and Bartlett, Dist 19

Conferees on the Part of the House:

Reps. Ward, Graf. 1; Hutchings, Graf. 8; Bass, Hills. 7 and Parmenter, Hills. 28

Report adopted.



## RECONSIDERATION

Rep. Spirou moved that the House reconsider its action whereby it concurred with the amendment to HB 468, relative to the state council on aging.

Rep. Ward spoke in favor of reconsideration.

Reconsideration prevailed.

Rep. Ward moved that the House nonconcur with the Senate amendment to HB 468 and request a Committee of Conference.

Adopted.

The Speaker appointed Reps. Sara Townsend, Harold Watson, Downing and Hendrick.

Rep. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourn today it be to meet at the call of the Chair.

Adopted.

## LATE SESSION

## UNANIMOUS CONSENT

Reps. Spirou and M. Arnold Wight addressed the House by unanimous consent.

Rep. Rounds moved that the House stand in recess.

Adopted.

The House recessed at 12:55 p.m.

## RECESS

(Rep. Chardon in the Chair)

## ENROLLED BILLS REPORT

HB 118, relative to sunset review of the higher education fund - U.N.H. Durham.

HB 356, relative to the limitation on the use of certain devices for salt water fishing and cooperation with federal agencies.

HB 625, relative to increasing the license fees for the transport of petroleum products into the state.

HB 693, relative to returning retirement system members' accumulated contributions.

HB 747, permitting victims or their next of kin to appear and speak at parole hearing requirements.

HB 767, relative to disability retirement benefits, constant lifetime allowances, and notifying predecessor system members of their eligibility to receive retirement system benefits.

HB 834, eliminating the requirement that the commissioner of revenue administration certify the issuance or authorization of municipal and county bonds and notes.

HB 839, to compensate deputy sheriffs in Hillsborough county on a salary and expense basis.

HB 36, relative to jurors' fees.

HB 308, relative to the discount allowed on the price of liquor sold to on-sale permittees by the liquor commission.

HB 435, legalizing a certain marker placed along the boundary between the towns of Lee and Barrington.

HB 466, relative to the laws affecting the state militia and state employees who are members of the armed forces.

HB 471, concerning the effective date of certain laws.

HB 514, providing for the unlimited duration of rules adopted by the bank commissioner under RSA 394-A.

HB 537, relative to property tax assessments.

HB 538, relative to police presence at public meetings and functions.

HB 573, relative to the exclusion of modification of warranties for consumer goods or services.

HB 587, making "New Hampshire Naturally" an honorary state song and making the white tail deer the state animal.

HB 622, relative to disorderly conduct.

HB 638, increasing the penalty for failure to obey a summons.

HB 651, relative to repayment of counsel expenses by indigent defendants.

HB 681, relative to the time of payment of certain wages.

HB 715, relative to the distraint of the contents of safe deposit boxes.

HB 740, relative to the average daily balance method of billing.

HB 745, amending the business profits tax and transferring certain functions to the department of revenue administration.

HB 758, relative to the representation of indigent defendants.

HB 783, relative to collective bargaining by state employees.

HB 798, relative to the weekly benefit amount for unemployment compensation.

HB 71, relative to the treatment of horses.

HB 100, relative to sunset review of the legislative budget assistant - budget and support.

HB 101, relative to sunset review of the legislative budget assistant - special services, post audit.

HB 103, relative to sunset review of administration and control - division of special disbursements.

HB 106, relative to sunset review of state treasury - trust funds.

HB 107, relative to sunset review of state treasury - special general fund distribution.

HB 108, relative to sunset review of the safety department - state overhead charges.

HB 121, relative to sunset review of the higher education fund - Merrimack Valley Branch.

HB 144, relative to sunset review of the labor department - administration and support.

HB 226, prohibiting the release of any animal from any animal shelter facility or animal care center for experimentation or vivisection purposes.

HB 244, to provide additional funds for the purchase of alcohol breath testing equipment and supplies.

HB 395, permitting the naming of contingent beneficiaries for retirement benefits under the state retirement system.

HB 476, relative to the retirement allowance for early retirees.

HB 582, eliminating eminent domain sections of the highway laws that conflict with RSA 498-A and amending RSA 498-A, the eminent domain procedures act.

HB 613, increasing the rate of the delinquent account penalty which is assessed by the retirement system board of trustees.

HB 615, permitting benefit payment deductions for group carriers other than Blue Cross and relative to the payment of actuarial fees.

HB 628, increasing certain insurance coverage required for operating an aircraft.

HB 705, providing optional allowances for the beneficiary of a deceased retirement system member.

HB 719, requiring the board of tax and land appeals to tape record hearings and make the tape available to the public.

HB 840, relative to railroad right-of-way preservation.

SB 2, relative to the child care act and termination of parental rights.

SB 149, authorizing the disposition of land and buildings occupied by the United States National Guard armory in the city of Manchester, New Hampshire.

SB 32, eliminating the waiting period for amending a legal separation decree to one of divorce.

SB 48, relating to the issuance of bonds and notes by municipalities and counties.

HB 52, to eliminate the designation of dangerous sexual offender.

HB 63, relative to a transfer tax on mobile homes.

HB 215, relative to driving after suspension or revocation.

HB 239, relative to aerial surveillance for the discovery and control of forest fires.

HB 363, relative to blind voters.

HB 370, permitting a person to be the candidate for only one party.

HB 376, defining a commercial kennel.

HB 397, increasing the per diem charge for impounded dogs.

HB 526, relative to energy conservation in new building construction.

HB 792, relative to false advertising of honey and maple products.

HB 73, relative to superior court justices, nonjudicial employee benefits, district court justice retirement, inspection of court facilities, judicial budgets, and certain positions in a department of corrections.

HB 185, changing references in the laws relating to solid waste and hazardous waste from the bureau of solid waste management to the office of waste management.

HB 200, creating a state funded unified court system and making an appropriation therefor.

HB 655, relative to beano at campgrounds and hotels and beano for children.

Rep. Francis X. Donovan  
Sen. John P.H. Chandler  
For the Committee.

SENATE MESSAGE  
ACCEDES REQUEST FOR  
COMMITTEE OF CONFERENCE

HB 202, establishing the ward lines for the city of Manchester and amending the Manchester city charter and reappportioning the New Hampshire senate.

The President appointed Sens. Stabile, Carswell and Allen.

RECESS

(Rep. Rounds in the Chair)

SENATE MESSAGE  
ACCEDES REQUEST FOR  
COMMITTEE OF CONFERENCE

HB 468, relative to the state council on aging.

The President appointed Sens. Carswell, Stabile and Bergeron.

HB 695-FN, relative to withdrawal and fringe benefits for certain unclassified state employees under the retirement system and reducing the normal contribution rate to the retirement system which certain employers must pay.

The President appointed Sens. Bergeron, Freese and Carswell.

HB 802, relative to morticians.

The President appointed Sens. Blaisdell, Carswell and Kelly.

RECESS

(Speaker Pro Tem in the Chair)

ENROLLED BILLS REPORT

HB 255, relative to nonresident commercial salt water fishing licenses.

HB 438, relative to the use of the annual population estimates of the office of state planning and establishment of the compact sections in cities and towns with a population of 7,500 or more.

Rep. Francis X. Donovan  
Sen. John P.H. Chandler  
For the Committee.

Rep. Rounds moved that the House adjourn.  
Adopted.

CONFEREES CHANGES

HB 145, relative to sunset review of the labor department - inspection division.

Rep. Skinner replaces Rep. Nichols  
Rep. McAvoy replaces Rep. John Flanders  
Rep. Lussier replaces Rep. Robert Hawkins

SB 112, relative to the establishment of jurisdiction over certain health insurers.

Rep. French replaces Rep. William Roberts

HB 382, adding members to joint committee on employment relations.

Rep. Warburton replaces Rep. Nichols

HB 782, relative to the public employees labor relation law.

Rep. Warburton replaces Rep. Nichols

SB 3, recodifying the state planning and zoning laws.

Rep. Lamprey replaces Rep. Eugene Clark

HB 45, relative to driving while intoxicated.

Rep. David King replaces Rep. Holbrook

SB 143, making several changes in the criminal law and relative to the suspension of a person's driver's license or driving privilege for failure to appear or pay a fine.

Rep. Lane replaces Rep. Francis Robinson

HB 650, relative to court procedures and the select commission to examine a unified court system.

Rep. David King replaces Rep. Holbrook

HB 496, creating a judicial compensation commission and relative to the continuance of part time district courts.

Rep. David King replaces Rep. Francis Robinson

HB 763, relative to toxic substances in the workplace.

Rep. Head replaces Rep. Tufts

SB 6, to amend the child pornography laws.

Rep. Daniel Eaton replaces Rep. Cote

Sen. Lessard replaces Sen. Splaine

HB 158, relative to sunset review of centralized data processing - administration and support.

Rep. Joos replaces Rep. Schmidtchen

SB 169, establishing a study committee to review the rules of the water supply and pollution control commission, which do not have anything to do with municipal systems and making an appropriation therefor.

Rep. Dingle replaces Rep. Sanders

# HOUSE JOURNAL 31

*Tuesday, 14Jun83*

The House assembled at 10:00 a.m., and was called to order by the Speaker Pro Tem.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

Dear Almighty, our vocabulary is full of words that deal with fighting. We take sides, we are antagonists, adversaries. We seek to win making another lose. Forgive us for our warring tendencies. Help us learn from the Prince of Peace. Let us work in the spirit of unity and concord. Let reason prevail. Let the name of our Capital City be more than a place on the map. Let it be a right spirit within each of us. Amen.

Rep. Logan led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Chisholm, Zimmerman, Stimmell, Waldron and Nichols, the day, illness.

Reps. Richard Ahern, Thomas Hynes, Michael Jones, Kaklamanos, Lynde, Gerald L. Smith, Campbell, Silva, Drake, Danderson, Chagnon and Lovejoy, the day, important business.

## INTRODUCTION OF GUESTS

Guy Jean, guest of Rep. Levesque; Marjorie Timm, wife of Rep. Timm; members of the Republican Women's Club, guests of the House.

## ENROLLED BILLS AMENDMENTS

SB 52, relative to occupational and health safety programs.

### Amendment

Amend the bill by inserting after line 3 of section 1 the following subdivision title:

#### Occupational and Health Safety Programs

This bill establishes a new subdivision and the subdivision title was inadvertently omitted.

Adopted.

HB 477, relative to the right-to-know law.

### Amendment

Amend section 1 of the bill by striking out lines 2, 3 and 4 and inserting in place thereof the following:

1977, 540:3 by striking out said paragraph and inserting in place thereof the following:

Amend RSA 91-A:2, II as inserted by section 1 of the bill by striking out line 11 and inserting in place thereof the following:

except as provided in RSA 91-A:6, and shall be treated as

The first amendment corrects an error in the amending language and the second amendment corrects cross-reference language in the text.

Adopted.

## COMMITTEE OF CONFERENCE REPORT ON SB 169

The committee of conference to which was referred Senate Bill 169-FN, An Act establishing a study committee to review the rules of the water supply and pollution control commission, which do not have anything to do with municipal systems and making an appropriation therefor, having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend section 1 of the bill by inserting after paragraph III the following new paragraph:

IV. The study committee is authorized to seek advice and assistance from the Home Builders Association of New Hampshire, the New Hampshire Society of Civil Engineers, the office of state planning and from such other private and public agencies that it deems appropriate.

Conferees on the Part of the Senate:

Sens. Wiggins, Dist. 8; Freese, Dist. 4 and Preston, Dist. 23

Conferees on the Part of the House:

Reps. Woodward, Rock. 18; Dingle, Straf. 4; Blanchard, Rock. 26 and Bardsley, Merr. 1

Rep. Woodward moved that the House adopt the report.

Report adopted.

## COMMITTEE OF CONFERENCE REPORT ON SB 182

The committee of conference to which was referred Senate Bill 182, An Act relative to discretionary easements, having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as

amended by the House, and pass the bill as so amended:

Amend the bill by striking out sections 1 and 2 and inserting in place thereof the following:

1 Criteria for Granting Permit for Discretionary Easements. Amend RSA 79-A:15, II (supp) as inserted by 1981, 561:3 by striking out said paragraph and inserting in place thereof the following:

11. If the planning board determines that the planned use of such land is consistent with one or more of the open space objectives as established by the master plan of the city or town; or is consistent with the provisions of the zoning ordinance of the municipality; or confers a benefit upon the residents of the municipality, including needed open space, recreational areas, or passive recreational areas; or will permit the study of flora and fauna; or provides other similar benefits, the board shall approve the application, grant a permit, and recommend to the selectmen or the mayor and council that a discretionary easement be acquired by the town or city. In addition to criteria and guidelines utilized by the planning board, the local officials may examine the public benefit to be obtained versus the tax revenue to be lost if such an easement is granted.

2 Written Explanation. Amend RSA 79-A:17, II (supp) as inserted by 1981, 561:4 by striking out said paragraph and inserting in place thereof the following:

II. If the selectmen or the mayor and council deny the application to grant an easement to the town or city, such denial shall be accompanied by a written explanation.

Conferees on the Part of the Senate:

Sens. Podles, Dist. 16; Bartlett, Dist. 19 and Blaisdell, Dist. 10

Conferees on the Part of the House:

Reps. Campbell, Rock. 20; Elenaor Whittemore, Hills. 18; Sherburne, Rock. 2 and Joos, Straf. 1

Rep. Campbell moved that the House adopt the report.

Report adopted.

#### COMMITTEE OF CONFERENCE REPORT ON SB 195

The committee of conference to which was referred Senate Bill 195, An Act relative to passing school buses, having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate:

Sens. Poulsen, Dist. 2; Lamontagne, Dist. 1 and Wiggins, Dist. 8

Conferees on the Part of the House:

Reps. Gordon, Ches. 5; Stewart, Graf. 4; Tavitian, Rock. 9 and Soucy, Hills. 35

Rep. Gordon moved that the House adopt the report.

Report adopted.

#### COMMITTEE OF CONFERENCE REPORT ON SB 204

The committee of conference to which was referred Senate Bill 204, An Act relative to county commissioner districts in Coos county, having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as passed by the Senate, and pass the bill as so amended:

Amend the bill by striking out section 1 and inserting in place thereof the following:

1 County Commissioner Districts. Amend RSA 662:4, VII (supp) as inserted by 1979, 436:1 by striking out said paragraph and inserting in place thereof the following:

VII. Coos: District 1, city of Berlin; District 2, Bean's Grant, Bean's Purchase, Carroll, Chandler's Purchase, Crawford's Purchase, Cutt's Grant, Dalton, Gorham, Green's Grant, Hadley's Purchase, Jefferson, Kilkenny, Lancaster, Low and Burbank's Grant, Martin's Location, Pinkham's Grant, Randolph, Sargent's Purchase, Shelburne, Success, Thompson and Meserve's Purchase, and Whitefield; District 3, Atkinson and Gilmanton Academy Grant, Cambridge, Clarksville, Colebrook, Columbia, Dix's Grant, Dixville, Dummer, Errol, Erving's Location, Milan, Millsfield, Northumberland, Odell, Pittsburg, Second College Grant, Stark, Stewartstown, Stratford, and Wentworth's Location.

Conferees on the Part of the Senate:

Sens. Stabile, Dist. 12; Bartlett, Dist. 19 and Bergeron, Dist. 6

Conferees on the Part of the House:

Reps. Flanagan, Rock. 8; McAvoy, Graf. 1; Burns, Coos 5 and James J. White, Hills. 31

Rep. Flanagan moved that the House adopt the report.

Reps. Guay, Oleson and Demers spoke against the motion.

Reps. Harold Burns, Chardon, Flanagan and Sytek spoke in favor of the motion.

Rep. Flanagan yielded to questions.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

Rep. Guay requested a division.

Rep. Harold Burns requested a roll call. Sufficiently seconded.



(Speaker Pro Tem presiding)

YEAS 179 NAYS 123

YEAS 179

BELKNAP: Birch, Bowler, Dexter, Golden, Hardy, Holbrook, Lamprey, Matthew Locke, Nighswander, Pearson, Randall, David Whittemore and Zeckhausen.

CARROLL: Ashnault, Chandler, Chase, Robert Holmes, Hraba, Kenneth MacDonald, McIntire, Powers and Saunders.

CHESHIRE: Crane, Davis, Gordon, Grodin, Miller, Morse, Parker and Perry.

COOS: Harold Burns, Chappell, Chardon, Horton and David King.

GRAFTON: Blair, Christy, Downing, Driscoll, Duggan, Easton, Harnish, Logan, Mann, McAvoy, Rounds, Stevens, Taffe, John Townsend, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Bass, Bergeron, Bolan, Boutwell, Leslie Burns, Carragher, Charbonneau, Craig, Duffett, Drey, Clyde Eaton, Joseph Eaton, Fields, Ford, Fried, Galway, Grip, Harrington, George Hawkins, Head, Walter Healy, Jean, Kashulines, Keefe, Robert Kelley, Knight, Labombarde, John Lawrence, Howard Mason, Nelson, Nickerson, Nute, Marjorie Peters, Resch, Ellen-Ann Robinson, Russell, B. P. Smith, Leonard Smith, Steiner, Tamposi, Van Loan, Ware, Geraldine Watson, Harold Watson, Emma Wheeler, Kenneth Wheeler, James J. White, Eleanor Whittemore, M. Arnold Wight and Lucille Wood.

MERRIMACK: Allgeyer, Anderson, Bibbo, Bowes, Dean, Degnan, Gross, Kinhan, Arthur Locke, McDonnell, Mercier, Pannell, Phelps, Doris Riley, Louise Roberts, William Roberts, Rogers, Shepard, Gerald R. Smith, Stark and Stio.

ROCKINGHAM: Ames, Blake, William Boucher, Burdick, Butler, Day, Flanagan, John Flanders, Beverly Gage, Thomas Gage, Greene, Gregorio, Hollingworth, Joslyn Kane, Longworth, Mace, Malcolm, Robert Mason, William Moore, Nevins, Newell, Palumbo, Parr, Popov, Quimby, Schwaner, Sherburne, Skinner, Sloan, Sochalski, Stork, Sytek, Walker, Warburton, Raymond Wood and Woodward.

STRAFFORD: Appleby, Bouchard, Dingle, Hussey, Robert Jones, Paul Meader, Musler, Francis Robinson and Sackett.

SULLIVAN: Cutting, Flint, Gray, Ingram, Irwin, Reney and Sara Townsend.

NAYS 123

BELKNAP: Bolduc and Robert Hawkins.

CARROLL: Dickinson and Murphy.

CHESHIRE: Barber, Boulter, Eugene Clark, Daniel Eaton, Eisengrein, Galloway, Hickey, Matson, David Meader, Michaelides, William Riley and William Sullivan.

COOS: Brideau, Coulombe, Guay, Langley, George Lemire, Oleson, Theriault, Valliere and York.

GRAFTON: Chambers, Copenhaver, Crory, Densmore, Girouard and Wayne King.

HILLSBOROUGH: Abrams, Debora Ahern, Burkush, Cote, Cronin, William Dion, Donovan, Durant, Gagnon, Daniel Healy, Hendrick, Katsiaficas, Leclerc, Lefebvre, Levesque, Migneault, Morrisette, O'Rourke, Parmenter, Quinn, Raiche, Reidy, Roy, Sallada, Soucy, Spirou, Mary Sullivan, Talbot, Turgeon, Vachon, Wagner, Roger Wallace, Wells, Robert Wheeler, Winn and Zajdel.

MERRIMACK: Bardsley, Laurent Boucher, Chynoweth, Samuel Clark, Daniell, Jacobson, Lewis, Parrish, Savaria and Wallner.

ROCKINGHAM: Bangs, Belanger, Benton, Blanchard, Blanchette, Case, Connors, Cressy, Ellyson, Harry Flanders, John Hynes, Kozacka, Krasker, Leslie, LoFranco, Joseph MacDonald, McLane, Nagel, Pevear, Rosencrantz, Splaine, Tavitian and Webster.

STRAFFORD: Banks, Belhumeur, Bernard, Blouin, Chamberlin, Couture, Demers, Albert Dionne, Donnelly, Flynn, Hamel, Joos, Kincaid, Lussier, Pelley, Schreiber, Timm and Franklin Torro.

SULLIVAN: Brodeur, Carlson, Converse, D'Amante and Paul Johnson, and the report was adopted.

Rep. Chambers moved that the previous speakers' remarks be printed in the Journal.

On a voice vote the Speaker was in doubt and requested a division.

Rep. Spirou requested a roll call. Sufficiently seconded.

(Speaker Pro Tem presiding)

YEAS 130 NAYS 171

YEAS 130

BELKNAP: Birch, Bolduc, Bowler, Robert Hawkins, Lamprey, Randall and Sanders.

CARROLL: Chase, Dickinson and Murphy.

CHESHIRE: Barber, Boulter, Eugene Clark, Eisengrein, Hickey, Matson, David Meader, Michaelides, Miller, William Riley and William Sullivan.

COOS: Chappell, Coulombe, Guay, Langley, George Lemire, Oleson, Theriault, Valliere and York.

GRAFTON: Chambers, Copenhaver, Crory, Densmore, Girouard, Hutchings, Wayne King, McAvoy, Stewart and Whitcomb.

HILLSBOROUGH: Abrams, Debora Ahern, Burkush, Cote, Cronin, Donovan, Durant, Gagnon, Daniel Healy, Hendrick, Katsiaficas, Knight, Lefebvre, Migneault, Morrisette, O'Rourke, Parmenter, Quinn, Raiche, Reidy, Roy, Soucy, Spirou, Mary Sullivan, Talbot, Turgeon, Vachon, Wagner, Robert Wheeler, Winn and Zajdel.

MERRIMACK: Bardsley, Laurent Boucher, Chynoweth, Jacobson, Kinhan, Lewis, Parrish, Phelps, Louise Roberts, Savaria and Wallner.

ROCKINGHAM: Bangs, Belanger, Blaisdell, Blanchard, Blanchette, William Boucher, Case, Connors, Cressy, Day, Harry Flanders, Hollingworth, John Hynes, Kozacka, Krasker, Leslie, LoFranco, Joseph MacDonald, McLane, Pevear, Rosencrantz, Sochalski, Splaine, Stork, Tavitian, Warburton, Webster and Woodward.

STRAFFORD: Banks, Belhumeur, Bernard, Blouin, Couture, Demers, Albert Dionne, Donnelly, Hamel, Joos, Kincaid, Pelley, Schreiber, Timm and Franklin Torr.

SULLIVAN: Brodeur, Carlson, Converse, D'Amante and Paul Johnson.

#### NAYS 171

BELKNAP: Dexter, Golden, Hardy, Holbrook, Matthew Locke, Nighswander, Pearson, David Whittemore and Zeckhausen.

CARROLL: Ashnault, Chandler, Robert Holmes, Kenneth MacDonald, McIntire, Powers and Saunders.

CHESHIRE: Crane, Davis, Galloway, Gordon, Grodin, Morse, Parker and Perry.

COOS: Harold Burns, Chardon, Horton and David King.

CRAFTON: Blair, Christy, Downing, Driscoll, Duggan, Easton, Harnish, Logan, Mann, Rounds, Stevens, Taffe, John Townsend, Walter, Ward and Weymouth.

HILLSBOROUGH: Ahrens, Arnold, Bass, Bergeron, Bolan, Boutwell, Leslie Burns, Carragher, Charbonneau, Craig, Duffett, Duprey, Clyde Eaton, Joseph Eaton, Fields, Ford, Fried, Galway, Grip, Harrington, George Hawkins, Head, Walter Healy, Jean, Kashulines, Keefe, Robert Kelley, Labombarde, John Lawrence, Leclerc, Levesque, Howard Mason, Nelson, Nickerson, Nute, Marjorie Peters, Resch, Ellen-Ann Robinson, Russell, Sallada, B. P. Smith, Leonard Smith, Steiner, Tamposi, Van Loan, Roger Wallace, Ware, Geraldine Watson, Harold Watson, Wells, Emma Wheeler, Kenneth Wheeler, James J. White, Eleanor Whittemore, M. Arnold Wight and Lucille Wood.

MERRIMACK: Allgeyer, Anderson, Bibbo, Bowes, Samuel Clark, Daniell, Dean, Degnan, Gross, Arthur Locke, McDonnell, Mercier, Pannell, Doris Riley, William Roberts, Rogers, Shepard, Gerald R. Smith, Stark and Stio.

ROCKINGHAM: Ames, Benton, Blake, Burdick, Butler, Ellyson, Flanagan, John Flanders, Beverly Gage, Thomas Gage, Greene, Gregorio, Joslyn, Kane, Longworth, Malcolm, Robert Mason, William Moore, Nagel, Nevins, Newell, Palumbo, Parr, Popov, Quimby, Schwaner, Sherburne, Skinner, Sloan, Sytek, Walker and Raymond Wood.

STRAFFORD: Appleby, Bouchard, Chamberlin, Dingle, Flynn, Hussey, Robert Jones, Lussier, Paul Meader, Musler, Francis Robinson and Sackett.

SULLIVAN: Cutting, Flint, Gray, Ingram, Irwin, Renee and Sara Townsend, and the motion lost.

#### COMMITTEE OF CONFERENCE REPORT ON SB 156

The committee of conference to which was referred Senate Bill 156, An Act providing an incentive for public and private postsecondary educational institutions to attract out-of-state students, and making an appropriation therefor, having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House each pass the bill as passed by the Senate.

Conferees on the Part of the Senate:

Sens. White, Dist. 11; Bergeron, Dist. 6 and Chandler, Dist. 7

Conferees on the Part of the House:

Reps. Scranton, Ches. 16; Sackett, Straf. 4; Riley, Ches. 5 and Gross, Merr. 15

Rep. Scranton moved that the House adopt the report.

Rep. Sackett yielded to questions.

Report adopted.

#### COMMITTEE OF CONFERENCE REPORT ON SB 84

The committee of conference to which was referred Senate Bill 84, An Act making a capital appropriation for the Manchester access ramp project, having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate:

Sens. Stabile, Dist. 12; Bartlett, Dist. 19 and Champagne, Dist. 20

Conferees on the Part of the House:

Reps. Walter, Graf. 13; Nute, Hills. 13; LaMott, Graf. 5 and LaBranche, Merr. 10

Rep. Walter moved that the House adopt the report.

Report adopted.

#### COMMITTEE OF CONFERENCE REPORT ON HB 178

HB 178, relative to utilities' eminent domain procedures. (printed SJ 6/14)

Rep. Harold Burns moved that the House adopt the report and yielded to questions.  
Report adopted.

## COMMITTEE OF CONFERENCE REPORT ON HB 202

HB 202, establishing the ward lines for the city of Manchester and amending the Manchester city charter. (printed SJ 6/14)

Rep. Flanagan moved that the House adopt the report.  
Report adopted.

## COMMITTEE OF CONFERENCE REPORT ON HB 233

HB 233, relative to the licenses for bait dealers. (printed SJ 6/14)

Rep. Doris Riley moved that the House adopt the report.  
Report adopted.

## COMMITTEE OF CONFERENCE REPORT ON HB 810

HB 810, requiring labeling of products which contain urea-formaldehyde. (printed SJ 6/14)

Rep. Quimby moved that the House adopt the report.  
Report adopted.

## COMMITTEE OF CONFERENCE REPORT ON HB 727

HB 727, relative to fees for criminal record checks and for private detectives and security guard services. (printed SJ 6/14)

Rep. John Flanders moved that the House adopt the report.  
Report adopted.

## COMMITTEE OF CONFERENCE REPORT ON HB 702

HB 702, providing for the licensing of transporters of hazardous materials and wastes and defining the penalty structure and rulemaking process for hazardous materials or wastes transportation. (printed SJ 6/14)

Rep. Greene moved that the House adopt the report.  
Report adopted.

## COMMITTEE OF CONFERENCE REPORT ON HB 648

HB 648, relative to smoke detectors in rental units. (printed SJ 6/14)

Rep. Benton moved that the House adopt the report.  
Report adopted.

## COMMITTEE OF CONFERENCE REPORT ON HB 626

HB 626, permitting deductions for qualified charitable and research contributions from the business profits tax. (printed SJ 6/14)

Rep. Ahrens moved that the House adopt the report.  
Report adopted.

## COMMITTEE OF CONFERENCE REPORT ON HB 465

HB 465, relative to proceedings before the water resources board. (printed SJ 6/14)

Rep. Dickinson moved that the House adopt the report.  
Report adopted.

## COMMITTEE OF CONFERENCE REPORT ON HB 381

HB 381, legalizing the name "Contoocook Village Precinct," legalizing certain meetings and authorizing the collection of taxes on certain dates in the town of Londonderry. (printed SJ 6/14)

Rep. Perry moved that the House adopt the report.

Report adopted.

## ENROLLED BILLS AMENDMENTS

HB 480, relative to the adoption of a New England truckers compact.

## Amendment

Amend section 1 of the bill by striking out lines 3-5 and inserting in place thereof the following:

## CHAPTER 267

## NEW ENGLAND TRUCKERS COMPACT

267:1 Compact. The governor of this state is hereby authorized to

This amendment corrects the chapter number designation of RSA 266-A as inserted by section 10 of the bill from "266-A" to "267".

Adopted.

HB 284, exempting privately owned school buses from the gas tax.

## Amendment

Amend section 1 of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

260:47 as inserted by 1981, 146:1 as amended by striking out said section and inserting in place thereof the following:

This amendment corrects the amending language in section 1 of the bill to indicate that RSA 260:47 has been amended since its insertion into the RSA's.

Adopted.

HB 560, restructuring the state mental health system and making an appropriation therefor and relative to a study committee for the purchase of certain products.

## Amendment

Amend section 12 of the bill by striking out line 3 and inserting in place thereof the following:

products and services from the severely mentally handicapped. The committee

This amendment corrects the grammatical error in line 3 of section 12 of the bill by changing "for" to "from".

Adopted.

HB 566, recodifying the controlled drug laws.

## Amendment

Amend line 2 of RSA 318-B:10, I as inserted by section 8 of the bill by striking out same and inserting in place thereof the following:

course of his professional practice, and for a legitimate medical

Amend line one of RSA 318-B:17, III as inserted by section 13 of the bill by striking out same and inserting in place thereof the following:

III. The division of public health services shall keep a full and

This amendment corrects a typographical error and corrects inconsistent terminology. Adopted.

(Speaker in the Chair)

The Speaker addressed the House.

The Chair would like to thank the member from Meredith, Speaker Pro Tem, for presiding over this morning's session.

I would like to speak to the House just briefly before the recess relative to Committee of Conference reports and particularly the fact that we are continuing our work in attempting to achieve a Committee of Conference report on an operating budget for the State of New Hampshire and I would like to address that particular subject matter at this time. Not in great detail, but just briefly.

It is important to understand that in this Committee of Conference on the budget, it is the intent of the conferees on the part of the House, myself and four members from the Appropriations Committee, each one of whom is the head of a division of Appropriations, and we are attempting to secure, not the personal desires or feelings of myself or the other conferees, but are attempting to secure as much of the House position, the position of the New Hampshire House of Representatives as possible. I have a deep respect for this institution, and I know that you do, and I know that you share that with me. There may be some inside or outside of this process who either fail to understand the nature of this institution, but do not hold it in respect or in honor. And it is critical to bear that in mind that we are not simply talking about dollar figures, concepts or ideas, but there are also Constitutional questions involved and there are also questions of the separation of powers, there is the question of two separate, but equal branches of the Legislative Branch of government and it is particularly imperative that the members of this House continue to give support to the conferees on the part of the House.

This state does indeed need an operating budget for the coming biennium. It does not need a continuing resolution or any other similar manifestation of trying to hold things together on a temporary basis. I am personally committed, the conferees on the part of the House are committed and I am

confident that the members of this House are committed to securing an operating budget for the coming biennium and that's what we are going to do.

In this process, I have to recognize the desires of the Governor and the desires of the Senate, the desires of the state employees, the desires of the general public as well as the general desires of the members of this House. And we have to look at all of those legitimate genuine concerns no matter how much they may be in agreement or disagreement with any position that we may have. But it is critical that we recognize that an operating budget will only come about if all of the four mentioned compromise. Compromise is a requirement on the part of all parties to reach a consensus that enables us to go forward. Now we are at a crossroads in this process at the present time. We are going to continue to work at it. We hope we will have a product for you to vote up or down. Hopefully it will be a product that you can support and we will have an operating budget and the session will be brought to a conclusion. But we are at a crossroads in this process. I appreciate your patience. I hope you equally appreciate mine and we will continue to work toward a solution. All I ask from you is that you stick with us, bear up under it all, tend to your jobs, remain calm, cool and collected, deal with the Committee of Conference reports that are coming in and we will continue to try to do ours. I appreciate the work that you people have been doing on Committee of Conferences and I appreciate now the work that you are doing in dealing with those Committees of Conference reports. As I told you a week or so ago, we are entering a time of high emotion, tensions run wild, the weatherman has decided for some reason to bless us with the highest temperatures of the season during the week when we least need them, we could have been using cooling rain throughout this week rather than the excessive heat and humidity and the rest, but that is the way it is. And we will deal with it. But I need your support and I need you to recognize that these issues are going to be resolved through the democratic process, the legislative process that we have in our possession under the Constitution of this state and these issues are not going to be resolved in response to editorials, newspaper headlines, or lack of editorials or newspaper headlines, or any other outside interference. They are going to be decided on the best interests of the state of New Hampshire through the process in our possession. And I appreciate you taking time from your much deserved recess to hear from me. Thank you very much.

Rep. Rounds moved that the Speaker's remarks be printed in the Journal. Adopted.

Rep. Spirou addressed the House.

Thank you, Mr. Speaker. Mr. Speaker, as we try to finalize the end product of a legislative session that has all of us concerned, I wish to give the Chairmen of



all Committees of Conference our fullest support as he and the rest of the Committee members attempt to reconcile the differences that exist between the two chambers.

I do wish, Mr. Speaker, to add that I very much resent newly appointed staff members in the Executive Branch of government who fly to the State House with helicopters and get picked up with 45-foot limousines, taking the opportunity to rip the presiding officer of the chamber apart in the newspapers. I resent those that have implied that it is the House's problem. I resent and I am sure the vast majority of the House membership does as well, the inference that this chamber has been irresponsible for the last six months. Most of us swallowed hard to pass a budget that we all knew was inadequate. And those of us who opposed the process do now know that everybody attempted to do it for the citizens of the State of New Hampshire. Deadlines have passed and many more will. And the end product of the Committee of Conference may not be to the acceptability of the majority of this House and we have to pass judgment on it when that comes by. But to suggest either through the press or particularly what gets me is the staff members who as I said come up here with their air-conditioned limousines to tell us when the Speaker has to work until 9 o'clock on Saturday and some of us have to stay up here until 1 o'clock every night for the last couple of months of this session for two hundred dollars a year while they are collecting \$500,000 and \$400,000 as salaries where they work is absolutely an absurd suggestion and they may have accessibility to some newspapers in this state to say whatever they want to, but this chamber ought to understand that they sat on their duffs on the other side for five months and they finally decided the state needed a budget and now we have to reconcile not the budgetary matters, but who is going to appoint a commissioner, who is going to be a judge, who is going to be appointed to any position in the state. We are dealing with this kind of political involvement. And this chamber cannot be pushed around, either through its presiding officer or through the Committee or through individual Committees as we try to work to reconcile differences. We have been right on the money on reorganization and we have tried to give the Governor a budget that he could run the state with. This is not a dictatorship. No one got appointed dictator last November and his staff ought to understand exactly that. We are the elected officials and the Constitution of this state talks about this chamber and this side of the aisle as being independent and separate from the Executive Branch of government. And it might be well that the Governor send some of his staff members to learn manners on how to address the elected officials of this state number one, and then to learn the Constitutional process as a second thing and then maybe we can get down to do the people's business.

Rep. Krasker moved that Rep. Spirou's remarks be printed in the Journal.  
Adopted.

## AFTER RECESS

(Speaker Pro Tem in the Chair)

## ENROLLED BILLS REPORT

SB 178, eliminating the filing fee for proposed delegates of presidential candidates to the national convention.

HB 37, limiting the area of operation for the housing finance authority.

HB 391, amending certain banking laws.

HB 407, to update certain sections of the motor vehicle road toll laws.

HB 411, relative to the public employee labor relations board.

HB 448, relative to the health facilities licensing laws.

HB 481, enabling the state to enter the regional fuel tax agreement.

HB 492, relative to the election of representatives to the general court and delegates to state conventions from Nashua.

HB 598, relative to the establishment of a state park on state-owned land in the city of Laconia in honor of all former governors of the state.

HB 599, modifying the definition of "most recent employer."

HB 642, relative to the appointment of guardians for persons admitted for in-patient treatment on an involuntary basis.

HB 832, establishing a community development finance authority.

HB 207, making an appropriation to enable the New Hampshire hospital to purchase electrical power.

HB 350, prohibiting political advertising from being displayed on law enforcement and government vehicles and allowing certain candidates to work as election officials.

HB 504, relative to the final environmental impact statement and the preliminary engineering studies of the corridor for the north quadrant of Nashua-Hudson circumferential highway project.

HB 713, relative to the felonious use of teflon-coated, armor-piercing and exploding bullets.

HB 737, relative to the election of representatives to the general court and the election of delegates to state party conventions from the city of Concord.

HB 837, providing for state aid to municipalities constructing storm drains under certain circumstances.

SB 87, relative to the criminal threatening of property.

SB 95, relative to the examination and relicensing of insurance companies.

SB 142, relative to the dental practice act.

SB 213, to provide for the licensing and regulation of water well contractors and pump installers and for the furnishing of well and pump records to the state and making an appropriation therefor.

HB 88, relative to the inspection of amusement rides.

HB 115, relative to sunset review of the postsecondary education commission.

HB 137, relative to sunset review of the department of health and welfare - division



of welfare, clarifying the rulemaking authority of the division of welfare, requiring cost control reports and creating a joint committee on health care costs.

HB 229, relative to hunting and fishing guides and license fees pertaining thereto.

HB 236, providing special registration plates for members of the national guard and judiciary, and for the secretary of state and state treasurer.

HB 263, relative to the execution of wills.

HB 493, increasing the jurisdictional amount of the small claims court.

HB 534, relative to the penalty for violation of the odometer disclosure law.

HB 574, relative to an underground utility damage prevention system.

HB 729, relative to the naming of children on birth certificates.

HB 743, relative to unemployment compensation benefits.

Rep. Francis X. Donovan  
Sen. John P.H. Chandler  
For the Committee.

#### COMMITTEE OF CONFERENCE REPORT ON HB 45

HB 45, relative to driving while intoxicated. (printed SJ 6/14)

Rep. Lane moved that the House adopt the report.

Report adopted.

#### COMMITTEE OF CONFERENCE REPORT ON HB 145

HB 145, relative to sunset review of the labor department - inspection division. (printed SJ 6/14)

Rep. Skinner moved that the House adopt the report.

Report adopted.

#### COMMITTEE OF CONFERENCE REPORT ON HB 158

HB 158, relative to sunset review of centralized data processing - administration and support. (amendment printed SJ 6/14)

Rep. M. Arnold Wight moved that the House adopt the report.

Report adopted.

#### COMMITTEE OF CONFERENCE REPORT ON HB 430

HB 430, providing filing fees for the construction or reconstruction of dams. (printed SJ 6/14)

Rep. Dickinson moved that the House adopt the report.

Report adopted.

#### COMMITTEE OF CONFERENCE REPORT ON HB 431

HB 431, relative to excavating and dredging permits and the wetlands board. (printed SJ 6/14)

Rep. Dickinson moved that the House adopt the report.

Report adopted.

#### COMMITTEE OF CONFERENCE REPORT ON HB 496

HB 496, creating a judicial compensation commission and relative to the continuance of part time district courts. (printed SJ 6/14)

Rep. Francis Robinson moved that the House adopt the report.

Report adopted.

#### COMMITTEE OF CONFERENCE REPORT ON HB 531

HB 531, relative to liquor and wine. (printed SJ 6/14)

Rep. Robert Mason moved that the House adopt the report.

Report adopted.

#### COMMITTEE OF CONFERENCE REPORT ON HB 605

HB 605, relative to interference with custody. (printed SJ 6/14)

Rep. Head moved that the House adopt the report.

Report adopted.

#### COMMITTEE OF CONFERENCE REPORT ON HB 650

HB 650, relative to court procedures and the select commission to examine a unified court system. (printed SJ 6/14)

Rep. Lane moved that the House adopt the report.

Report adopted.

#### COMMITTEE OF CONFERENCE REPORT ON HB 733

HB 733, limiting rafting of boats, regulating distance between stationary boats, and expanding enforcement. (printed SJ 6/14)

Rep. Burdick moved that the House adopt the report.

Report adopted.

#### COMMITTEE OF CONFERENCE REPORT ON HB 802

HB 802, relative to morticians. (printed SJ 6/14)

Rep. Townsend moved that the House adopt the report.

Report adopted.

#### COMMITTEE OF CONFERENCE REPORT ON SB 176

The committee of conference to which was referred Senate Bill 176-FN, An Act relative to insurance coverage for residential psychiatric treatment, having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrency with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 415:18-a, III(b) as inserted by section one of the bill by striking out same and inserting in place thereof the following:

(b) Each insurer, including health maintenance organizations contemplated under RSA 420-B and self-insured benefit plans, funds or programs, that issues or renews any policy of group or blanket accident or health

insurance providing benefits for medical or hospital expenses shall provide to each group, or to the portion of each group comprised of certificate holders of such insurance who are residents of this state and whose principal place of employment is in this state, benefits for services rendered at a community mental health center or psychiatric residential program approved by the division of mental health and developmental services, department of health and welfare. Those benefits shall be subject to terms and conditions at least as favorable as those which apply to the benefits for the treatment of other illnesses; and the ratio of the benefits to the full reasonable charges for the services of such a center or program shall be substantially the same as the ratio of the benefits for services of physicians for other illnesses to the fees reasonably and customarily charged for the services of such physicians for other illnesses.

Conferees on the Part of the Senate:

Sens. Freese, Dist. 4; Bergeron, Dist. 6 and Blaiadell, Dist. 10

Conferees on the Part of the House:

Reps. Quimby, Rock. 7; Wood, Hills. 22; Burns, Coos 5 and Burns, Hills. 11

Rep. Quimby moved that the House adopt the report.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 55

The committee of conference to which was referred Senate Bill 55, An Act relative to shooting human beings while on a hunting trip or shooting in the woodlands, having considered the same, report the same with the following recommendations:

having considered the same, report the committee is unable to reach agreement.

Conferees on the Part of the Senate:

Sens. Wiggins, Dist. 8; Preston, Dist. 23 and Freese, Dist. 4

Conferees on the Part of the House:

Reps. Riley, Merr. 9; Eaton, Ches. 4; Sylvia, Hills. 1 and G. Watson, Hills. 13

Committee was unable to reach agreement.

COMMITTEE OF CONFERENCE REPORT ON SB 167

The committee of conference to which was referred Senate Bill 167, An Act establishing an advisory commission on rules of evidence, having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Committee Established. There is hereby established the advisory committee on rules of evidence. The members of the committee shall be:

I. Three members of the house judiciary committee appointed by the speaker of the house.

II. Three members of the senate judiciary committee appointed by the president of the senate.

III. The president of the New Hampshire Bar Association or his designee.

Amend the bill by striking out section 6 and inserting in place thereof the following:

6 Compensation. The members of the committee shall serve without compensation; provided, however, that the legislative members shall receive mileage at the legislative rate when attending to the duties of the committee.

Conferees on the Part of the Senate:

Sens. Champagne, Dist. 20; Carswell, Dist. 9 and Stabile, Dist. 12

Conferees on the Part of the House:

Reps. Sylvia, Hills. 1; Lane, Ches. 15; Robinson, Straf. 4 and Kennedy, Ches. 17

Rep. Sylvia moved that the House adopt the report.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 112

The committee of conference to which was referred Senate Bill 112, An Act relative to the establishment of jurisdiction over certain health insurers, having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate:

Sens. Freese, Dist. 4; Bergeron, Dist. 6 and Blaisdell, Dist. 10

Conferees on the Part of the House:

Reps. Burns, Coos 5; Smith, Hills. 9; Roberts, Merr. 5 and Baker, Hills. 19

Rep. Harold Burns moved that the House adopt the report.

Report adopted.

COMMITTEE OF CONFERENCE REPORT ON SB 194

The committee of conference to which was referred Senate Bill 194, An Act relative to dry cleaning establishments, having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as

amended by the House, and pass the bill as so amended:

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

1 Sale of Article. Amend RSA 449:2 as amended by striking out said section and inserting in place thereof the following:

449:2 Sale or Disposal for Service Lien. If such lien remains undischarged for a period of 60 days after work has been completed or after expiration of agreed term of storage, if any, or if the absence of such agreement, after the expiration of 90 days from date of storage, the lienholder may give such article to a duly organized charitable corporation or sell such article at public or private sale. Provided, however, that reasonable notice of the above policy shall be given by posting the policy in a conspicuous place in the cleaning establishment and by including the policy on the claim check.

2 Effective Date. This act shall take effect 90 days after its passage.

Conferees on the Part of the Senate:

Sens. Podles, Dist. 16; Stephen, Dist. 18 and Bartlett, Dist. 19

Conferees on the Part of the House:

Reps. Crory, Graf. 12; Guay, Coos 7; Christy, Graf. 11 and Logan, Graf. 13

Rep. Crory moved that the House adopt the report.

Report adopted.

#### COMMITTEE OF CONFERENCE REPORT ON SB 6

The committee of conference to which was referred Senate Bill 6, An Act to amend the child pornography laws, having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 639:3, III as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

III. In the prosecution of any person under this section, the solicitation by any person of a child under the age of 16 to engage in sexual activity as defined by RSA 649-A:2, III for the purpose of creating a visual representation as defined in RSA 649-A:2, IV, or to engage in sexual penetration as defined by RSA 632-A:1, V, constitutes endangering the welfare of such child.

Amend RSA 639:3, V as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

V. A person who endangers the welfare of a child or incompetent by violating paragraph III of this section is guilty of a class B felony. All other violations of this section are misdemeanors.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Promotion of Sexual Performance by Children. Amend RSA by inserting after chapter 649 the following new chapter:

#### CHAPTER 649-A

##### Child Pornography

649-A:1 Declaration of Findings and Purposes.

I. The legislature finds that there has been a proliferation of exploitation of children through their use as subjects in sexual performances. The care of children is a sacred trust and should not be abused by those who seek to profit through a commercial network based upon the exploitation of children. The public policy of the state demands the protection of children from exploitation through sexual performances.

II. It is the purpose of this chapter to facilitate the prosecution of those who exploit children in the manner specified in paragraph I. In accordance with the United States Supreme Court's decision in New York v. Ferber, this chapter makes the dissemination of visual representations of children under the age of 16 engaged in sexual activity illegal irrespective of whether the visual representations are legally obscene; and the legislature urges law enforcement officers to aggressively seek out and prosecute those who violate the provisions of this chapter.

649-A:2 Definitions. In this chapter:

I. "Child" means any person under the age of 16 years.

II. "Disseminate" means to import, publish, produce, print, manufacture, distribute, sell, lease, exhibit or display.

III. "Sexual activity" means human masturbation, the touching of the actor's or other person's sexual organs in the context of a sexual relationship, sexual intercourse actual or simulated, normal or perverted, whether alone or between members of the same or opposite sex or between humans and animals, any lewd exhibitions of the genitals, flagellation or torture. Sexual intercourse is simulated when it depicts explicit sexual intercourse which gives the appearance of the consummation of sexual intercourse, normal or perverted.

IV. "Visual representation" means any pose, play, dance or other performance, exhibited before an audience or reproduced in or designed to be reproduced in any book, magazine, pamphlet, motion picture film, photograph or picture.

649-A:3 Offenses.

I. A person is guilty of an offense if he:

(a) Sells, delivers or provides, or offers or agrees to sell, deliver or provide, any visual

representation of a child engaging in sexual activity; or

(b) Presents or directs a visual representation of a child engaging in sexual activity, or participates in that portion of such visual representation which consists of a child engaging in sexual activity; or

(c) Publishes, exhibits or otherwise makes available any visual representation of a child engaging in sexual activity; or

(d) Possesses any visual representation of a child engaging in sexual activity for purposes of sale or other commercial dissemination.

## II. The offense shall be:

(a) A class B felony if such person has had no prior convictions in this state or another state for the conduct prohibited by this section;

(b) A class A felony if such person has had one or more prior convictions in this state or another state for the conduct prohibited by this section.

649-A:4 Exemption. A person shall not be guilty of a violation under this chapter if he is a librarian, or a paid or volunteer member of a library staff working under the supervision of a librarian, engaged in the normal course of his employment, or if he is regularly employed by anybody as a motion picture projectionist, stage employee or spotlight operator, cashier, doorman, usher, candy stand attendant, porter or in any other nonmanagerial or nonsupervisory capacity in a motion picture theatre; provided that he has no financial interest, other than his employment, which employment does not encompass compensation based upon any proportion of the gross receipts, in the promotion of a sexual performance for sale, rental or exhibition or in the promotion, presentation or direction of any sexual performance, and provided further that he is not in any way responsible for acquiring such material for sale, rental or exhibition.

649-A:5 Justifiable Dissemination. It is an affirmative defense to prosecution under this chapter that dissemination was restricted to institutions or persons having scientific, medical, educational, governmental or other similar justification for possessing a visual representation of a child engaging in sexual activity.

3 Committing Obscenity When a Child is Involved. Amend RSA 650:2, II (supp) as inserted by 1977, 199:2 by striking out said section and inserting in place thereof the following:

II. A person who commits any of the acts specified in subparagraphs (a) through (e) of paragraph I with knowledge that such act involves a child in material deemed obscene pursuant to this chapter is guilty of:

(a) A class B felony if such person has had no prior convictions in this state or another state for the conduct described in this paragraph;

(b) A class A felony if such person has had one or more prior convictions in this state or another state for the conduct described in this paragraph.

4 Contribution to Delinquency. Amend RSA 169-B:41, II (supp) as inserted by 1979, 361:2 by striking out said paragraph and inserting in place thereof the following:

II. Notwithstanding the provisions of paragraph I, any parent, guardian or person having custody or control of a minor, or anyone else, who shall knowingly or willfully, encourage, aid, cause or abet, or connive at, or has knowingly done any act to produce, promote or contribute to the utilization of a minor in any acts of sexual conduct as defined in RSA 650:1, VI, in order to create obscene material, as defined in RSA 650:1, IV, of the minor engaged in such conduct, shall be guilty of:

(a) A class B felony if such person has had no prior convictions in this state or another state for the conduct described in this paragraph;

(b) A class A felony if such person has had one or more prior convictions in this state or another state for the conduct described in this paragraph.

5 Effective Date. This act shall take effect 60 days after its passage.

Conferees on the Part of the Senate:  
Sens. Champagne, Dist. 20; Carswell,  
Dist. 9 and Splaine, Dist. 24

Conferees on the Part of the House:  
Reps. Sytek, Rock. 20; Gage, Rock. 13;  
Cote, Hills. 27 and Lane, Ches. 15

Rep. Sytek moved that the House adopt the report.  
Report adopted.

## COMMITTEE OF CONFERENCE REPORT ON SB 50

The committee of conference to which was referred Senate Bill 50-FN, An Act relative to bingo and lucky 7, having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 287-E:1 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

## 287-E:1 Definitions.

I. "Bingo" means any game, by whatever name called, in which a prize is offered to the person first covering squares in a predetermined design on a card marked into squares for that purpose.

II. "Bona fide guest" means any person who has paid the fee established by a private campground for utilization of a designated space for purposes of recreational camping, and invited guests and members of the family of such person. "Bona fide guest" shall not include the owner, operator or employees of the private campground, or the families of such persons, or persons invited to the private campground



by the owner, operator or employees of the private campground for the purpose of participating in bingo games.

III. "Bona fide member" means a person who has held full and regular membership in the charitable organization for a period of not less than 60 days immediately prior to the bingo games in which such person intends to participate. To qualify as a "full and regular" member of a charitable organization, a person shall:

- (a) Satisfy all criteria for membership in the charitable organization.
- (b) Pay all lawful fees or dues required by the charitable organization.
- (c) Not have become a member solely for the purpose of operating bingo games.

IV. "Carnival" means an event sponsored by a charitable organization at which various rides and amusements are offered and the profits of which are to be used to further the charitable purposes of the charitable organization.

V. "Charitable organization" means any bona fide religious, charitable, civic, veterans or fraternal organization which shall have been in existence for at least 2 years in the town or city in which the bingo games are to be conducted, which is organized under the laws of this state, and to which contributions are exempt from federal income tax. To be eligible for licensure under this chapter, a charitable organization shall do all of the following:

- (a) Document that it is exempt from federal income tax.
- (b) Establish that the religious, civic, fraternal, veterans, or charitable purposes for which it was organized, other than charitable gambling, are furthered through activities conducted in the town or city in which the bingo games are conducted.

(c) Register, if required under RSA 7:19 - 7:32-a, with the director of charitable trusts.

(d) Maintain a current list of bona fide members.

A charitable organization shall not include auxiliary units, committees or other entities organized under the auspices of a charitable organization eligible for licensure under this chapter, when such auxiliary unit, committee, or other entity is organized for the primary purpose of conducting bingo games.

VI. "Commission" means the state sweepstakes commission.

VII. "Hotel" means "hotel" as defined in RSA 78-A:3, III.

VIII. "Private campground" means privately owned property, open to the public upon payment of a fee, which has been divided into 10 or more defined spaces upon which tents may be erected or recreational vehicles may be parked for the purposes of recreational camping. "Private campground" shall not include mobile home parks as defined in RSA 205-A:1 or recreational camps as defined in RSA 149:20.

Amend RSA 287-E:3, X as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

X. Bingo games at campgrounds and hotels.

XI. The definition of salaried employees of veterans and fraternal organizations who may sell lucky 7 tickets.

XII. Other matters related to the proper administration of this chapter.

Amend RSA 287-E:4 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

287-E:4 License Fees.

I. Except as otherwise provided in RSA 287-E:10-13, the bingo license application fee shall be \$25 per day.

II. Such fee shall be submitted to the commission at the time the application for a bingo license is filed and, except as provided in RSA 287-E:12, shall be refunded if the application is denied.

III. All funds collected by the commission under this section and RSA 287-E:8 shall be deposited in the special fund established under RSA 284:21-j.

Amend RSA 287-E:5, I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. Applications shall be submitted to the commission by an officer, director, or duly authorized official of the charitable organization. Proof of authority to submit the application on behalf of the charitable organization may be required.

Amend the introductory paragraph of RSA 287-E:6 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

287-E:6 Licenses. Except as provided in RSA 287-E:10-13, bingo licenses may be issued to a charitable organization to conduct bingo games only under the following conditions:

Amend RSA 287-E:6, III as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

III. No more than one licensed charitable organization may conduct bingo games at any one location on any specified date.

Amend the introductory paragraph of RSA 287-E:7 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

287-E:7 Operation of Bingo Games. Except as otherwise provided in RSA 287-E:10-13:

Amend RSA 287-E:7, II as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

II. No compensation shall be paid to operators of a bingo game. Compensation shall include, but is not necessarily limited to, money or any other thing of value. Operators of bingo games may be



reimbursed for their out-of-pocket expenses in an amount not to exceed \$8 per game date, provided that such expenses are itemized and submitted in writing to the charitable organization.

Amend RSA 287-E:7, X as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

X. No raffles or other games of chance permitted under RSA 287-A and RSA 287-D or any other games of chance, except as provided in RSA 287-E:16 through RSA 287-E:24, shall be conducted at the same time and in the same place as a bingo game licensed under this chapter.

Amend RSA 287-E:7, XIV as inserted by section 1 of the bill by striking out same.

Amend RSA 287-E:8 as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

287-E:8 Bingo Tax. Except for bingo games licensed under RSA 287-E:10-13, the licensee shall pay a tax of 5 percent of the total amount collected from participants in any game conducted in accordance with RSA 287-E:7, XIII.

Amend RSA 287-E:11, XI as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

XI. Members of a charitable organization with a valid bingo license may operate bingo games for a licensed senior citizens' organization, provided that they shall receive no compensation. Members may be reimbursed for out-of-pocket expenses in an amount not to exceed \$8 per game date, provided that such expenses are itemized and submitted in writing to the senior citizens' organization.

Amend RSA 287-E as inserted by section 1 of the bill by inserting after section 11 the following new sections and renumbering the original sections 12-27 as 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, and 29, respectively:

287-E:12 Bingo License for Private Campgrounds and Hotels. Any private campground or hotel may apply to the commission for a special campground or hotel bingo license. Licenses may be granted under the following conditions:

I. The bingo license application fee shall be \$25 per year and shall be nonrefundable.

II. The provisions of RSA 287-E:6, IV and RSA 287-E:7, IV and VI relating to bingo licenses and the operation of games for charitable organizations shall also apply to licenses issued under this section.

III. The price to be paid for a single card or play under the license shall be \$.10.

IV. A license shall permit no more than 2 game dates of bingo in any one calendar week and shall be issued on an annual basis.

V. All revenues received from the sale of bingo cards in any game or series of games on any one calendar day shall be paid out to the players. The total value of all prizes, tokens or awards used, given, offered or awarded in connection with any game or series of games in any calendar day shall not exceed \$500.

VI. Games shall be operated only by persons on the staff of the campground or hotel holding the license under this section. Such staff shall operate the games without compensation from the bingo revenues.

VII. The games of bingo shall be open only to persons 18 years of age or older who are bona fide guests at the campground or hotel.

VIII. Licenses shall be granted only to campgrounds or hotels in cities or towns which have approved bingo under RSA 287-E.

IX. No campground or hotel shall act as an agent for operating games of bingo when it is unlawful for such campground's or hotel's principal to operate bingo games.

X. The campground or hotel holding the license issued under this section shall keep records and submit a report as required for agricultural fairs under RSA 287-E:10, VIII, except that the report shall be submitted to the commission within 15 days of the expiration of the bingo license. The report shall include the names and addresses of persons from whom bingo equipment was rented or leased.

XI. The campground or hotel shall have been in existence for at least 2 years in the city or town in which the bingo games are to be conducted.

XII. The campground or hotel shall be in compliance at the time of application with all applicable state and local requirements for the operation of private campgrounds or hotels.

XIII. The campground or hotel shall maintain a current list of bona fide guests.

XIV. The campground or hotel shall not have been established solely for the purpose of operating bingo games.

287-E:13 Children's Bingo at Private Campgrounds or Hotels. Any campground or hotel holding a license under RSA 287-E:12 may conduct special bingo games for children under the conditions specified in RSA 287-E:12, except:

I. No games shall be conducted prior to 11:00 a.m. on a weekday, prior to noon on a Sunday or after 8:00 p.m. on any day.

II. There shall be no charge for play.

III. Games shall be open only to persons under the age of 18.

IV. Nonmonetary prizes may be awarded, but the value of any prize shall not exceed \$2. Prizes or awards shall not be exchanged for money.

Amend RSA 287-E:21, I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. Only bona fide members of a charitable organization licensed under this

subdivision shall sell lucky 7 tickets, except that salaried employees, as defined in rules adopted by the commission, of a licensed veterans or fraternal organization may sell lucky 7 tickets only on the premises of such organization, provided such employees comply with all laws and rules relating to the sale of lucky 7 tickets. Proof of membership may be required by the commission.

Amend RSA 287-E:21, IV as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

IV. No compensation shall be paid to bona fide members of a charitable organization who participate in the sale of lucky 7 tickets. Compensation shall include, but is not necessarily limited to, money or any other thing of value. Members of the charitable organization who sell lucky 7 tickets may be reimbursed for out-of-pocket expenses in an amount not to exceed \$8 per day, provided that such expenses are itemized and submitted in writing to the charitable organization.

Amend RSA 287-E:22, II as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

II. All funds collected by the commission under this section shall be deposited in the special fund established under RSA 284:21-j.

Amend RSA 287-E:24, I as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

I. A charitable organization shall submit a complete financial report for each license issued under RSA 287-E:20 to the commission within 15 days after the expiration date of the license.

Amend the bill by striking out section 5 and inserting in place thereof the following:

5 Effective Date. This act shall take effect July 1, 1983.

Conferees on the Part of the Senate:

Sens. Podles, Dist. 16; McLane, Dist. 15 and Blaisdell, Dist. 10

Conferees on the Part of the House:

Reps. MacDonald, Carr. 6; Spirou, Hills. 31; Russell, Hills. 15 and Phelps, Merr. 1

Rep. Kenneth MacDonald moved that the House adopt the report.  
Report adopted.

#### COMMITTEE OF CONFERENCE REPORT ON SB 171

The committee of conference to which was referred Senate Bill 171-FN, An Act relative to the board of registration in medicine and the terms of certain positions at New Hampshire hospital, having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 135:6-a, IV as inserted by section 14 of the bill by striking out same and inserting in place thereof the following:

IV. The superintendent with the approval of the director, division of mental health and developmental services, shall appoint qualified personnel to the positions established by paragraph I. Each such appointee shall serve subject to the following provisions:

(a) Each year on the anniversary date of the individual's appointment, the superintendent shall review the individual's performance during the previous year.

(b) If the superintendent determines that good cause for termination exists, he may, with the approval of the director, division of mental health and developmental services, terminate the individual from the position provided he notifies the individual in writing of the reasons for his decision.

(c) Within 10 days of receipt of notice of the decision to terminate his appointment, an individual may appeal the termination in writing to the commissioner of the department of health and welfare.

(d) Within 20 days of receiving the notice of appeal, the commissioner of health and welfare shall conduct a hearing in accordance with rules adopted by the commissioner of health and welfare pursuant to RSA 541-A.

(e) The commissioner of health and welfare shall render a written decision either upholding or reversing the decision of the superintendent within 10 days of the completion of the hearing process. If the commissioner reverses the decision of the superintendent, the appointee shall be reimbursed for all pay and benefits lost during the time required to complete the appeal process and shall be reinstated to his position.

Amend the bill by striking out section 12 and renumbering the original sections 13, 14, 15 and 16 to read as 12, 13, 14, and 15, respectively.

Conferees on the Part of the Senate:

Sens. McLane, Dist. 15; Podles, Dist. 16 and Splaine, Dist. 24

Conferees on the Part of the House:

Reps. Ward, Graf. 1; Townsend, Sull. 1; H. Watson, Hills. 13 and Rosencrantz, Rock. 15

Rep. Ward moved that the House adopt the report.

Report adopted.

## COMMITTEE OF CONFERENCE REPORT ON SB 143

The committee of conference to which was referred Senate Bill 143, An Act making several changes in the criminal law and relative to the suspension of a person's driver's license or driving privilege for failure to appear or pay a fine, having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate:

Sens. Champagne, Dist. 20; Carswell, Dist. 9 and Splaine, Dist. 24

Conferees on the Part of the House:

Reps. Sytek, Rock. 20; King, Graf. 12; King, Coos 1 and Robinson, Straf. 4

Rep. Sytek moved that the House adopt the report.

Report adopted.

PAU

## 03,01,01,06 Hunter Safety Program

50 Other Personal Services  
Source - Funds Federal

Fiscal Year  
1984

\$14,264  
\$14,264

Fiscal Year  
1985

\$14,264  
\$14,264

## 03,01,01,05 Maintenance and Construction

30 Equipment  
Source - Fish and Game Fund

\$17,300  
\$17,300

\$18,400  
\$18,400

III. For purposes of paragraph I, the governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

Amend the bill by striking out all after section 1 and inserting in place thereof the following:

## 2 Positions.

I. There is hereby established the position of conservation educator within the fish and game department which shall be a full time classified position in PAU 03,01,01,01.

II. There is hereby established within the fish and game department PAU 03,01,02,01 game damage. the position of game damage adjuster.

3 Positions. If position number 0171 within PAU 03,01,01,04,00 and position number 0190 within PAU 03,01,03,03,00 are abolished pursuant to House Bill 500 of the 1983 regular session of the general court, an act making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1984, and June 30, 1985, there are hereby established the following positions within the fish and game department:

I. PAU 03,01,01,04 - Creative Writer.

II. PAU 03,01,01,03 - Biologist I.  
4 Fish and Game Promotional Sales. The proceeds of the sale of T-shirts and caps to promote the new super sportsman license made

## COMMITTEE OF CONFERENCE REPORT ON SB 89

The committee of conference to which was referred Senate Bill 89, An Act, relative to the fish and game department, having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend paragraph II of section 1 of the bill by striking out same and inserting in place thereof the following:

II. The following sums are hereby deleted from appropriations made to the fish and game department for the indicated fiscal years:

by the information and education division of the fish and game department shall be deposited in the class 20 account of the fish and game fund. With the approval of the executive director of the fish and game department, further expenditure of funds from such class 20 account to purchase additional promotional supplies, as may be needed, is hereby authorized, and such funds are hereby appropriated.

5 Expenditures Restricted; Land Acquisition. Notwithstanding any other provision of law, for the biennium ending June 30, 1985, with the exception of wetlands purchased with funds from the waterfowl conservation account or public access to waters pursuant to RSA 212:1-212:10, no moneys shall be expended for land acquisition or purchase of dams except that within the approved budget; and fish and game department personnel may be utilized to perform such services as may be necessary in accepting gifts of land or where the state's share of land costs are donated by the owner or a third party to the state on land purchased with federal funds.

6 Effective Date. This act shall take effect July 1, 1983, at 12:01 a.m.

Conferees on the Part of the Senate:

Sens. White, Dist. 11; Bergeron, Dist. 6 and Wiggins, Dist. 8

Conferees on the Part of the House:

Reps. Palmer, Sull. 5; Matson, Ches. 7; Steiner, Hills. 29 and Oleson, Coos 7

Rep. Walter Palmer moved that the House adopt the report.

Report adopted.

#### COMMITTEE OF CONFERENCE REPORT ON SB 141

The committee of conference to which was referred Senate Bill 141 An Act reinstating the option of appealing to the superior court in lieu of appealing to the board of tax and land appeals, having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate:

Sens. Champagne, Dist. 20; Freese, Dist. 4 and Boyer, Dist. 13

Conferees on the Part of the House:

Reps. Gage, Rock. 13; Duprey, Hills. 28; Lane, Ches. 15 and Hollingworth, Rock. 17

Rep. Thomas Gage moved that the House adopt the report.

Report adopted.

#### COMMITTEE OF CONFERENCE REPORT ON SB 68

The committee of conference to which was referred Senate Bill 68. An Act expanding the law enforcement authority of the director of safety services and allowing the regulation of so-called rafting and off shore anchoring, having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House. and pass the bill as so amended:

Amend the bill by striking out all after the enacting clause and inserting in place thereof the following:

##### 1 Study of Usage of Great Ponds.

1. The water resources board shall conduct a review and analysis of the issues arising from the increasing, competing and conflicting uses of the great ponds of this state. The analysis shall focus on recreational uses and shall include but shall not be limited to consideration of:

(a) Public access for boating and for shoreside activities;

(b) State shore facilities available to boats;

(c) The appropriateness of activities such as water skiing and power boating in relation to the sizes and conditions of various bodies of water;

(d) Uses which do not conflict with the maintenance of water quality of reservoirs and class A bodies of water;

(e) Protection of endangered species and ecological balance; and

(f) Regulatory provisions and enforcement methods.

II. In conducting its analysis, the water resources board shall consult with the department of resources and economic development, the department of fish and game, the water supply and pollution control commission, the department of safety services, and any other state agency with expertise in the area of usage of great ponds.

III. Not later than December 1, 1984, the water resources board shall submit to the senate committee on development, recreation and environment and to the house committee on resources, recreation and development a report containing its findings, recommendations and guidelines relative to appropriate usage of the great ponds of this state.

2 Effective Date. This act shall take effect upon its passage.

Conferees on the Part of the Senate:

Sens. Wiggins, Dist. 8; Preston, Dist. 23 and Freese, Dist. 4

Conferees on the Part of the House:

Reps. Dickinson, Carr. 2; Banks, Straf. 1; Burdick, Rock. 7 and Schreiber, Straf. 4

Rep. Dickinson moved that the House adopt the report.

Report adopted.

#### COMMITTEE OF CONFERENCE REPORT ON SB 3

The committee of conference to which was referred Senate Bill 3, An Act recodifying the state planning and zoning laws, having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 675:5, II(a) as inserted by section one of the bill by striking out same and inserting in place thereof the following:

(a) The owners signing the petition shall identify themselves on the petition by name and address, and by address of the property involved, or by lot and map number, or by whatever other means is used within the town or village district to identify the land in question, so that the selectmen or commissioners may identify such owners as interested and affected parties; and

Amend RSA 676:12 as inserted by section one of the bill by inserting after paragraph II the following new paragraph:

III. The building inspector may be authorized by the local legislative body to issue a temporary occupancy permit not to exceed 30 days, which may be extended at the discretion of the building inspector.

Conferees on the Part of the Senate:

Sens. Stabile, Dist. 12; Wiggins, Dist. 8 and Preston, Dist. 23

Conferees on the Part of the House:

Reps. Grodin, Ches. 6; Lawrence, Hills.  
19; Perry, Ches. 10 and Lamprey, Belk. 1

Rep. Grodin moved that the House adopt the report.

Report adopted.

#### COMMITTEE OF CONFERENCE REPORT ON SB 144

The committee of conference to which was referred Senate Bill 144-FN, An Act relative to the illegal purchase of alcoholic beverages by underage persons, having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and

That the House recede from its position in adopting its amendment to the bill, and

That the Senate and House adopt the following new amendment to the bill as passed by the Senate, and pass the bill as so amended:

Amend RSA 175:7, II as inserted by section one of the bill by striking out same and inserting in place thereof the following:

II. Notwithstanding the provisions of paragraph I or any other law to the contrary, any person who has in his possession and utilizes or displays in any manner a false identification card, document, license or other form which misrepresents his age for the purpose of purchasing liquor or beverages as defined in RSA 175:1 by the bottle, can, glass, container or drink in any manner shall be fined a minimum of \$50; and no portion of this mandatory minimum fine shall be waived, continued for sentencing or suspended by the court. The provisions of this paragraph do not reduce the maximum penalty which could be imposed for such an offense pursuant to paragraph I.

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Driver's License Suspended. Amend RSA 263 by inserting after section 57 the following new section:

263:57-a Suspension for Illegal Use of Driver's License. Any person 20 years of age or older who knowingly loans his driver's license to another person under the legal age of 20 years for use as identification to enable the underage person to purchase or consume any liquor or beverage as defined by RSA 175:1 shall have his license or his right to drive a motor vehicle suspended for 60 days by the director of the division of motor vehicles. Upon conviction of any person for violating RSA 175:7 by using another's driver's license, the presiding justice shall notify the director of the division of motor vehicles of the identity of the lawful holder of said license.

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Restoration Fee. Amend RSA 263:42, V as inserted by 1981, 146:1 by striking out said paragraph and inserting in place thereof the following:

V. Whenever the director has suspended a driver's license for a period of great - than 15 days, a fee of \$25 shall be paid by the licensee upon restoration of such license.

4 Effective Date. This act shall take effect upon its passage.

Conferees on the Part of the Senate:

Sens. Champagne, Dist. 20; Lessard, Dist. 21 and Bartlett, Dist. 19

Conferees on the Part of the House:

Reps. Lane, Ches. 15; King, Coos 1; Gage, Rock. 13 and Eaton, Ches. 4

Rep. Lane moved that the House adopt the report.

Report adopted.

#### COMMITTEE OF CONFERENCE REPORT ON CACR 20

CACR 20, relating to the amount in controversy for a jury trial. Providing that the amount be determined by law. (printed SJ 6/14)

The Committee was unable to reach agreement.

#### DISCHARGE COMMITTEE OF CONFERENCE REQUESTS NEW COMMITTEE OF CONFERENCE

HB 468, relative to the state council on aging. (printed SJ 6/14)

Rep. Sara Townsend moved that the House discharge the Committee of Conference and appoint a new Committee of Conference.

Adopted.

The Speaker appointed Reps. Townsend, Dexter, Downing and Hendrick.

Rep. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourn today it be to meet Wednesday, June 15, at 10:00 a.m.

Adopted.

#### LATE SESSION

Rep. Rounds moved that the House stand in recess for the purpose of Enrolled Bills Reports only.

Adopted.

The House recessed at 2:58 p.m.

#### RECESS

Rep. Quimby moved that the House adjourn. Adopted.



# HOUSE JOURNAL 32

*Wednesday, 15 Jun 83*

The House assembled at 10:00 a.m., and was called to order by the Speaker Pro Tem.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

Almighty and everlasting God, You have been a guide for all past generations. Our parents founded this Nation upon a deep trust in Thee. Now let Your Holy Spirit guide us in these last days of this session. Let not the pressure of time sway us from our goals. Let our faith in You give us confidence that there is a solution to our problems. Let our conferences with each other begin and end with our private conferences with You. Amen.

Rep. Belhumeur led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Nichols, Zimmerman, Chisholm, Waldron, Stimmell and Lovejoy. the day, illness.

Reps. Gerald L. Smith, Kaklamanos, Michael Jones, Silva, John Burns, Musler, Robert Jones, Walter Robinson, Stylianos, Robert Holmes, Nagel, Bolan and Gregorio, the day, important business.

Its introduction having been approved by the Rules Committee, Rep. Quimby offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Resolution number 37, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

## INTRODUCTION OF HOUSE RESOLUTION First, second reading and referral

HR 37, relative to the impact of acid rain in New Hampshire. (Greene of Rockingham Dist. 18; French of Belknap Dist. 4; Meader of Strafford Dist. 10 - To Environment and Agriculture)

## RECESS

## AFTER RECESS

(Speaker in the Chair)

## COMMITTEE OF CONFERENCE REPORT ON HB 744

HB 744, establishing a department of corrections. (printed SJ 6/15)

Rep. Mace moved that the House adopt the report.

Report adopted.

## COMMITTEE OF CONFERENCE REPORT ON HB 297

HB 297, establishing a committee to study ethics in government. (printed SJ 6/15)

Rep. Flanagan moved that the House adopt the report.

Report adopted.

## COMMITTEE OF CONFERENCE REPORT ON HB 127

HB 127, relative to sunset review of the higher education fund - U.N.H. system administration. (printed SJ 6/15)

Rep. William Boucher moved that the House adopt the report.

Rep. Taffe yielded to questions.  
Report adopted.

## COMMITTEE OF CONFERENCE REPORT ON SB 58

The committee of conference to which was referred Senate Bill 58-FN, An Act providing for a 3-day hunting season for moose, having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend paragraph II as inserted by section 1 of the bill by striking out same and inserting in place thereof the following:

II. The department shall also submit to those committees a plan for the management of the moose herd, which may include an experimental 3-day hunting season, an appropriate fee structure and methods of how licenses shall be issued.

III. If the department determines that an experimental 3-day hunting season would be in the best interest of the state to control the moose herd, the executive director shall report his findings to this effect to the house fish and game committee and the senate development, recreation and environmental committee and the dates established for this limited season.

Conferees on the Part of the Senate:

Sens. Wiggins, Dist. 8; Lamontagne, Dist. 1 and Freese, Dist. 4

Conferees on the Part of the House:

Reps. Cate, Merr. 13; Turgeon, Hills. 38; Riley, Merr. 9 and Hawkins, Hills. 5

Rep. Cate moved that the House adopt the report.

Report adopted.

#### COMMITTEE OF CONFERENCE REPORT ON HB 281

HB 281, increasing the beer tax.  
(printed SJ 6/14)

(Speaker Pro Tem in the Chair)

Rep. Rounds moved that the House adopt the report.

Rep. Tucker spoke against the report.

Reps. D'Amante and William Boucher spoke in favor of the report.

Rep. Chambers spoke in favor of the report and yielded to questions.

Rep. Sara Townsend moved the previous question. Sufficiently seconded.

On a voice vote the Speaker was in doubt and requested a division.

171 members having answered in the affirmative and 157 in the negative, the previous question was adopted.

Question being on the adoption of the Committee of Conference report on HB 281, a roll call was requested. Sufficiently seconded.

(Speaker Pro Tem presiding)

YEAS 155 NAYS 181

YEAS 155

BELKNAP: Birch, Bolduc, Golden, Robert Hawkins and Randall.

CARROLL: Ashnault, Dickinson, Heath, Kenneth MacDonald, Murphy, Powers and Saunders.

CHESHIRE: Daniel Eaton, Hickey, Matson, Michaelides and William Riley.

COOS: Brideau, Harold Burns, Chappell, Chardon, Coulombe, Guay, Langley, George Lemire, Theriault, Valliere and York.

GRAFTON: Chambers, Christy, Copenhagen, Crory, Driscoll, Duggan, Girouard, Michael King, Rounds, Taffe, Weymouth and Whitcomb.

HILLSBOROUGH: Abrams, Baker, Bergeron, Boutwell, Burkush, Charbonneau, Cronin, Crotty, William Dion, Duprey, Durant, Clyde Eaton, Gagnon, Galway, Grasso, Daniel Healy, Jean, Evelyn King, Laboumarde, Lefebvre, Roland Lemire, Levesque, Lyons, Martineau, Howard Mason, Migneault, Morrisette, Nelson, Nickerson, O'Rourke, Quinn, Reidy, Robie, Roy, Russell, Spirou, James Sullivan, Mary Sullivan, Talbot, Turgeon, Vachon, Roger Wallace, Robert Wheeler, James J. White, Winn and Zajdel.

MERRIMACK: Allgeyer, Laurent Boucher, Degnan, Jacobson, Kinhan, Arthur Locke, Parrish, Phelps, Doris Riley, William Roberts, Rogers, Shepard, Stio, Wallner and James Whittemore.

ROCKINGHAM: Ames, Bangs, Belanger, Blaisdell, Blake, Blanchette, William Boucher, Burdick, Butler, Carpenito,

Connors, Cotton, Cressy, Danderson, Day, John Flanders, Beverly Cage, John Hynes, Roger King, Joslyn, Kane, Roger King, Krasker, Leslie, Mace, Malcolm, Robert Mason, William Moore, Nevins, Palumbo, Rosencrantz, Scamman, Schmidtchen, Schwaner, Simon, Sochalski, Tavitian and Warburton.

STRAFFORD: Belhumeur, Blouin, Chagnon, Couture, Demers, Albert Dionne, Donnelly, Hennessey, Arnold Peters, Timm, Franklin Torr and Whiting.

SULLIVAN: Brodeur, Converse, D'Amante, Ingram and Susan Lawrence.

NAYS 181

BELKNAP: Bowler, Dexter, Gary Dionne, Hardy, Holbrook, Lamprey, Matthew Locke, Nighswander, Pearson, Sanders, David Whittemore and Zeckhausen.

CARROLL: Chandler and Chase.

CHESHIRE: Barber, Boulter, Eugene Clark, Crane, Davis, Galloway, Gordon, Grodin, Lane, David Meader, Miller, Morse, Parker, Perkins, Perry, Margaret Ramsay and William Sullivan.

COOS: Horton, David King and Oleson.

GRAFTON: Blair, Densmore, Downing, Easton, Harnish, Hutchings, Wayne King, LaMott, Logan, Mann, McAvoy, Stevens, Stewart, John Townsend, Walter and Ward.

HILLSBOROUGH: Debora Ahern, Richard Ahern, Ahrens, Arnold, Bass, Leslie Burns, Carragher, Cote, Craig, Donovan, Duffett, Fields, Ford, Fried, Harrington, Head, Hendrick, Humphrey, Thomas Hynes, Kashulines, Katsiaficas, Keefe, Robert Kelley, Knight, John Lawrence, Leclerc, McGlynn, Nute, Parmenter, Marjorie Peters, Pressly, Raiche, Peter Ramsey, Resch, Ellen-Ann Robinson, Sallada, B.P. Smith, Leonard Smith, Steiner, Sylvia, Tamposi, Van Loan, Wagner, John Wallace, Ware, Geraldine Watson, Harold Watson, Wells, Emma Wheeler, Kenneth Wheeler, Eleanor Whittemore, M. Arnold Wight and Lucille Wood.

MERRIMACK: Anderson, Bardsley, Bibbo, Bowes, Chynoweth, Samuel Clark, Daniell, Dean, Cross, Mary Holmes, Kidder, LaBranche, Lewis, McDonnell, Mercier, Pannell, Louise Roberts, Savaria, Stark and Lawrence Sullivan.

ROCKINGHAM: Benton, Blanchard, Campbell, Case, Ellyson, Flanagan, Harry Flanders, Thomas Cage, Greene, Hollingworth, Kozacka, LoFranco, Longworth, McLane, Newell, Newman, Pantelakos, Parr, Pevear, Popov, Quimby, Romoli, Sherburne, Skinner, Sloan, Splaine, Stork, Sytek, Tufts, Vartanian, Walker, Webster and Woodward.

STRAFFORD: Appleby, Banks, Bernard, Bouchard, Dingle, Fielding, Flynn, Hussey, Joos, Kincaid, Lussier, Paul Meader, Francis Robinson, Sackett and Schreiber.

SULLIVAN: Carlson, Cutting, Flint, Gray, Irwin, Paul Johnson, Palmer, Reney, Sara Townsend and Tucker, and the report was not adopted.

(Speaker in the Chair)

#### COMMITTEE OF CONFERENCE REPORT ON HB 400

HB 400, making appropriations for capital improvements. (printed SJ 6/14)

Rep. Bibbo moved that the House adopt the report.

Reps. Carpenito, Joslyn and Crory spoke against the report.

Reps. Keefe, Bibbo and Russell spoke in favor of the report and yielded to questions.

Reps. James J. White and Emma Wheeler spoke in favor of the report.

Rep. Chardon moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

Rep. Ward abstained from voting under Rule 16.

(Speaker presiding)

YEAS 191 NAYS 136

YEAS 191

BELKNAP: Birch, French, Hardy, Robert Hawkins, Holbrook, Lamprey, Nighswander, Pearson, Randall and David Whittemore.

CARROLL: Ashnault, Chandler, Chase, Dickinson, Hrabá, Kenneth MacDonald, Murray, Powers and Saunders.

CHESHIRE: Crane, Davis, Galloway, Gordon, Lane, Miller, Parker, Perry, Margaret Ramsay and Scranton.

COOS: Brideau, Harold Burns, Chappell, Chardon, Guay, Horton, David King, Langley, Oleson, Valliere and York.

GRAFTON: Christy, Driscoll, Duggan, Easton, LaMott, Logan, Mann, McAvoy, Rounds, Stevens, Stewart, Taffe, John Townsend, Walter, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Bass, Boutwell, Carragher, Charbonneau, Cote, Craig, Cronin, Donovan, Duffett, Duprey, Durant, Fields, Ford, Galway, Grasso, Harrington, Head, Daniel Healy, Humphrey, Thomas Hynes, Jean, Katsiaficas, Keefe, Robert Kelley, Evelyn King, Knight, Labombarde, Lefebvre, Levesque, Lyons, Martineau, Howard Mason, McGlynn, Migneault, Nelson, Marjorie Peters, Pressly, Quinn, Reidy, Roy, Russell, Sallada, Leonard Smith, Steiner, James Sullivan, Mary Sullivan, Talbot, Tamposi, Turgeon, Vachon, Van Loan, Wagner, Roger Wallace, Geraldine Watson, Harold Watson, Wells, Emma Wheeler, Kenneth Wheeler, Robert Wheeler, James J. White, Eleanor Whittemore, M. Arnold Wight, Winn, Lucille Wood and Zajdel.

MERRIMACK: Anderson, Bardsley, Bibbo, Laurent Boucher, Bowes, Samuel Clark, Degnan, Cross, Kidder, Kinhan, Arthur Locke, William Roberts, Rogers, Savaria, Shepard, Stio, Lawrence Sullivan and James Whittemore.

ROCKINGHAM: Ames, Benton, Blaisdell, Blake, Danderson, Flanagan, Harry Flanders, Kane, Roger King, Leslie, Mace, Malcolm, Robert Mason, William Moore, Newell, Palumbo, Parr, Quimby, Scamman, Schmidtchen, Sherburne, Simon, Skinner, Sloane, Splaine, Stork, Sytek, Tavitian, Tufts, Vartanian and Warburton.

STRAFFORD: Belhumeur, Chagnon, Couture, Dingle, Fielding, Hennessey, Kincaid, Paul Meader, Pelley and Francis Robinson.

SULLIVAN: Converse, Cutting, Flint, Gray, Ingram, Irwin, Palmer, Reney and Sara Townsend.

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BELKNAP: Bolduc, Bowler, Dexter, Gary Dionne, Golden, Matthew Locke, Sanders and Zeckhausen.

CARROLL: Heath.

CHESHIRE: Barber, Boulter, Eugene Clark, Daniel Eaton, Grodin, Hickey, David Meader, Michaelides, Morse, Perkins, William Riley and William Sullivan.

COOS: Coulombe, George Lemire and Theriault.

GRAFTON: Blair, Chambers, Copenhagen, Crory, Densmore, Downing, Girouard, Harnish, Hutchings and Michael King.

HILLSBOROUGH: Abrams, Debora Ahern, Richard Ahern, Baker, Bergeron, Burkush, Leslie Burns, Crotty, William Dion, Clyde Eaton, Fried, Gelinas, Hendrick, Kashulines, John Lawrence, Leclerc, David Lemire, Roland Lemire, Morrisette, Nickerson, Nute, Parmenter, Raiche, Robie, B.P. Smith, Soucy, Spirou, Sylvia, John Wallace and Ware.

MERRIMACK: Chynoweth, Daniell, Dean, Mary Holmes, Jacobson, LaBranche, Lewis, McDonnell, Mercier, Parrish, Phelps, Doris Riley, Louise Roberts, Stark and Wallner.

ROCKINGHAM: Bangs, Belanger, Blanchard, Blanchette, William Boucher, Burdick, Butler, Campbell, Carpenito, Connors, Cressy, Day, Ellyson, John Flanders, Beverly Gage, Thomas Gage, Greene, Hollingworth, John Hynes, Joslyn, Kozacka, Krasker, LoFranco, Longworth, McLane, Nevins, Pantelakos, Pevear, Popov, Romoli, Rosencrantz, Schwaner, Sochalski, Walker, Webster and Woodward.

STRAFFORD: Appleby, Banks, Bernard, Blouin, Bouchard, Albert Dionne, Donnelly, Flynn, Hussey, Joos, Lussier, Arnold Peters, Sackett, Schreiber, Timm, Franklin Torr and Whiting.

SULLIVAN: Brodeur, Carlson, Paul Johnson and Susan Lawrence, and the report was adopted.

Rep. O'Rourke notified the Clerk that he wished to be recorded in favor of the Committee of Conference report on HB 400.

## COMMITTEE OF CONFERENCE REPORT ON HB 382

HB 382, adding members to the joint committee on employment relations. (printed SJ 6/15)

Rep. Skinner moved that the House adopt the report.

Report adopted.

## COMMITTEE OF CONFERENCE REPORT ON HB 468

HB 468, relative to the state council on aging. (printed SJ 6/15)

Rep. Townsend moved that the House adopt the report.

Rep. Bouchard spoke against the report.

Rep. Townsend spoke in favor of the report.

Report adopted.

## ENROLLED BILLS AMENDMENT

HB 53, establishing the department of postsecondary vocational education and making an appropriation therefor.

## Amendment

Amend section 3 of the bill by striking out same and inserting in place thereof the following:

3 Exception Added. Amend RSA 6:12, I by inserting after subparagraph (q) the following new subparagraph.

(r) Moneys received under RSA 188-F, which shall be credited as provided in that chapter.

This amendment changes the letter of the subparagraph inserted by section 3. It was made necessary by the signing into law of HB 408.

Adopted.

## SUSPENSION OF RULES

Rep. Skinner moved that the Rules (28(b)) be so far suspended as to permit reconsideration of HB 763, relative to toxic substances in the workplace, whereby it nonconcurrent with the Senate amendment and requested a Committee of Conference and spoke to her motion.

Reps. Krasker and Sara Townsend spoke in favor of the motion.

Adopted by the necessary two-thirds.

## RECONSIDERATION

Rep. Skinner moved that the House reconsider its action whereby it nonconcurrent with the Senate amendment and requested a Committee of Conference on HB 763, relative to toxic substances in the workplace.

Reconsideration prevailed.

Rep. Skinner moved that the House concur with the Senate amendment to HB 763, relative to toxic substances in the workplace, spoke to her motion and yielded to questions.

Rep. Krasker spoke in favor of the motion.

Amendment adopted.

Rep. Rounds moved that the Consent Calendar with the relevant amendments as printed in the day's House Record be adopted.

SB 46-FN, establishing a division for children and youth services and making an appropriation therefor, was removed at the request of Rep. Vartanian.

Adopted.

COMMITTEE REPORTS  
(Consent Calendar)

HBI 2007, relating to a study of the fish and game fees. Ought to Pass.

This bill of intent was entered at the request of the Fish and Game Committee because of public criticism of license fees. Vote 12-0. Rep. Ronald R. Chagnon for Fish and Game.

HBI 2008, relating to further study of planning and zoning laws. Ought to Pass.

The purpose of this interim study is to examine those aspects of planning and zoning legislation which deserve in-depth consideration. Input from the New Hampshire Association of Regional Planning Commissions, New Hampshire Municipal Association and New Hampshire Builders' Association and others will be invited. Vote 15-0. Rep. Richard A. Grodin for Municipal and County Government.

COMMITTEE REPORTS  
(Regular Calendar)

HB 850-FN, establishing a department of commerce. Refer for Interim Study.

The Committee felt that this bill needed further refinement and additional input from those already existing departments that it addresses. Vote 22-1. Rep. Kathleen W. Ward for Executive Departments and Administration.

Referred for Interim Study.

HBI 2009, relating to executive department reorganization. Ought to Pass.

It is the intention of the Committee to study and recommend the establishment of these Departments under HB 1 and reorganization. Vote 23-0. Rep. Kathleen W. Ward for Executive Departments and Administration.

Rep. Ward yielded to questions. Report adopted.

## SUSPENSION OF RULES

Rep. Lewis moved that the Joint Rules be so far suspended as to permit consideration and transmittal to second House on HCR 11, establishing a committee to address the issue of visual pollution of New Hampshire's highways, after the deadline, and spoke to her motion.

Rep. Dickinson spoke in favor of the motion.

Adopted by the necessary two-thirds.

#### COMMITTEE REPORTS (cont.)

HCR 11, establishing a committee to address the issue of visual pollution of New Hampshire's highways. Ought to Pass with Amendment.

This resolution establishes a committee to review the relevant laws of New Hampshire and other states and to develop legislative proposals which will address the issue of the preservation of the scenic resources of the state. Vote 22-0. Rep. Mary Ann Lewis for Resources, Recreation and Development.

#### Amendment

Amend the resolution by striking out the second paragraph after the title inserting in place thereof the following:

Whereas, the scattering and proliferation of outdoor advertising throughout the state is detrimental to the preservation of the scenic resources of the state and, furthermore, adversely impacts the tourist industry and the economic base of the state; and

Amend the resolution by inserting after the second paragraph after the title the following new paragraph:

Whereas, the scenic vistas adjacent to the public highway have suffered from lack of attention and are rapidly losing their value as safe and convenient areas for the motoring public to observe this state's natural beauty; and

Amend the resolution by striking out the second paragraph after the resolving clause and inserting in place thereof the following:

That this select committee shall be composed of 15 members: 2 from the senate development, recreation and environment committee appointed by the president of the senate, 2 from the house of representatives resources, recreation and development committee appointed by the speaker of the house, the commissioner of the department of resources and economic development or his designee, the commissioner of the department of public works and highways or his designee, 2 members of the New Hampshire Travel Council, Inc., appointed by the president of the council, the president of the Society for the Protection of New Hampshire Forests or his designee, the president of the Association of Regional Planning Commissions or his designee, the executive director of the Association of Conservation Commissions or his designee, the director of the New Hampshire Municipal Association or his designee, the president of the New Hampshire Hospitality Association or his designee, the chairman of the Environmental Law Council and the president of the Business and Industry Association or his designee. The speaker shall appoint the

chairman who shall convene the first meeting. There shall be no compensation except for legislative mileage paid to legislative members of the select committee.

Amendment adopted.

Ordered to third reading.

SB 46-FN, establishing a division for children and youth services and making an appropriation therefor. Ought to Pass with Amendment.

The Committee was unanimous in its support of this bill which addresses the needs of children and youth within the state. Vote 16-0. Rep. Audrey A. Carragher for State Institutions.

#### Amendment

Amend RSA 170-G:3, I as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

I. The division shall be supervised and directed by a director who shall be nominated by the commissioner of health and welfare for appointment by the governor with the consent of the council. The director shall serve at the pleasure of the commissioner and shall have at least 5 years experience in children and youth services and have an advanced degree in human services, public administration, social science or a related discipline.

Amend 170-G:4 as inserted by section 2 of the bill by striking out all paragraphs after paragraph II in that section and inserting in place thereof the following:

III. Develop and provide a comprehensive service plan for each child and youth who is or would be served by the division in accordance with Title IV-E of the Social Security Act. Such services may be assigned to a local provider in accordance with paragraph VI.

IV. Prepare and administer a comprehensive statewide service plan which addresses the needs of the state's children and youth on a geographic basis. Such plan shall include a schedule of costs for the services to be provided.

V. Cooperate with local programs and services for the prevention of crimes against children and youth and develop treatment options for children and youth; assist communities to develop services and placement options for children and youth; and cooperate with existing child and youth service agencies to assist communities with the development of positive child and youth policies and delinquency prevention programs. Such services, when appropriate, shall maintain the child or youth in his home and local community.

VI. With the approval of the commissioner of health and welfare, enter into agreements with local providers to purchase their services. The bureau of planning, evaluation, research and training shall evaluate annually the programs of each provider.



VII. Develop and provide a coordinated program of training for providers of child or youth services and staff of the division who work with children and youth.

VIII. Request from any and all agencies and courts any and all information necessary and appropriate for the research and evaluation of services and programs provided for children or youth. The agencies and courts shall make such information available on forms provided by the division.

IX. With the approval of the fiscal committee, receive and administer grants or other funds to carry out this chapter, and perform other duties delegated to it by the general court.

X. With the approval of the commissioner of health and welfare, work with other agencies to develop agreements which clarify liability for costs of services and oversee the development and implementation of binding agreements between agencies providing children or youth services.

XI. Make recommendations to the general court relative to legislation necessary to ensure the coordination of services for children and youth.

XII. Work closely with the local public schools and other appropriate agencies in planning and implementing education and training programs for children and youth.

Amend RSA 170-G:6 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

170-G:6 Advisory Board. There is hereby established an advisory board on children and youth services. The board shall consist of 12 members and such additional members as may be necessary to comply with federal regulations for the acceptance of federal funds. Each member shall be recommended by the commissioner and appointed by the governor and council for a term of 3 years. A member shall continue to serve until a successor is appointed by the governor and council. No more than 2 of the members of the board may be residents of the same county. The board shall be representative of persons from community youth service agencies; from the juvenile justice field such as law enforcement, probation, police, courts, and attorneys; and from appropriate professional fields such as psychology, social services, education, and health. Members of the board shall serve without compensation but shall receive mileage payments at the state employee rate within the limits of funds appropriated to the division.

Amend RSA 170-G:8 as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

170-G:8 Board; Powers and Duties. The board shall have the power and duty to:

1. Advise the New Hampshire crime commission in administering the commission's functions under RSA 7-B and federal law.

II. Request assistance of the division as necessary to carry out its duties under state and federal law. The division shall render such assistance when requested by the board.

Amend the bill by striking out section 9 and inserting in place thereof the following:

9 Reference to Acquisition and Disposal of Realty. Amend RSA 10:4 (supp) as amended by striking out said section and inserting in place thereof the following:

10:4 Acquisition and Disposal of Real Estate for Institutions. Upon request of the board of trustees for the state prison, the director of the division of mental health and developmental services, the director of the division of public health services, or the division for children and youth services, the governor and council may buy, sell, or exchange institutional lands for any of the institutions named in RSA 10:1 over which the requester has jurisdiction and, at the request of any of the above or that of the trustees of the university system of New Hampshire, may institute proceedings for the taking of land for institutional purposes by eminent domain; and the procedure for that purpose shall be the same and the value of the land shall be determined as in cases of land taken for highways upon petition to the superior court. On the payment of the value as finally determined, the title to the land so taken shall vest in the state.

Amend the bill by striking out sections 11 and 12 and inserting in place thereof the following:

11 Youth Found in Contempt of Court. Amend RSA 169-D:17, V(c) (supp) as inserted by 1979, 361:2 by striking out in line 3 the words "board of trustees of the youth development center" and inserting in place thereof the following (administrator of the bureau of secure care, division for children and youth services,) so that said subparagraph as amended shall read as follows:

(c) A child found guilty of contempt may be remanded to the youth development center provided: (1) such child shall be placed in a facility certified by the administrator of the bureau of secure care, division for children and youth services, as one in which the child shall not come in contact with minors charged or adjudicated as delinquent; (2) such child shall be afforded the services made available to delinquents; and (3) that the facility not be one used for solitary confinement.

12 Administration; Youth Development Center. Amend RSA 621:1 (supp) as amended by striking out said section and inserting in place thereof the following:

621:1 New Hampshire Youth Development Center: Administration.

1. The New Hampshire youth development center, a juvenile correctional facility formerly known as the industrial school, may also be referred to as the YDC or the center. References to the industrial

school or the YDC in statutes or other documents shall mean the youth development center.

II. The programs and policies of the New Hampshire youth development center shall be administered through the bureau of secure care, division for children and youth services.

Amend RSA 621:4 as inserted by section 15 of the bill by striking out same and inserting in place thereof the following:

621. Duties Relative to Property.

With the approval of the fiscal committee, the division shall be authorized to take, hold, and manage, in trust for the state, lands, money, or other property granted, devised, or bequeathed for the use of the center, and to sell and convey the lands, money, or other property and to invest the proceeds therefrom in such investments as are legal for New Hampshire savings banks or in the physical plant of the center.

Amend the bill by striking out sections 23 and 24 and inserting in place thereof the following:

23 References to Superintendent. Amend the following sections and paragraphs of sections of RSA by striking out in them the words "superintendent" or "superintendent of the center" and inserting in place thereof the following (administrator of the bureau of secure care): RSA 621:8; RSA 621:10, II and IV; RSA 621:15; RSA 621:17; RSA 621:29; RSA 621:30; RSA 621:33; and RSA 621:34.

24 Transfers and References.

I. All the functions, powers, duties, personnel, records, property and funds of the following are hereby transferred to the division for children and youth services:

(a) The juvenile justice advisory board established under Public Law 93-415 as amended; and

(b) The commission on children and youth.

II. Whenever reference is made to any of the following in the law, or rules adopted thereunder, it shall be construed to mean the division for children and youth services:

(a) The juvenile justice advisory board; and

(b) The commission on children and youth.

Amend the bill by striking out section 26 and 27 and inserting in place thereof the following:

26 Transfers; Division of Welfare. All the functions, powers, duties, personnel, records, property and funds of the division of welfare, department of health and welfare, relative to the administration of child welfare services provided under RSA 161:2, II and XII relative to child welfare services funded through the social services block grant; 167:43; 167:51-167:53; 169-C; 170-A; 170-B; 170-C; 170-F and 463 are hereby transferred to the division for children and youth services. Whenever

reference is made in the law to the division of welfare, department of health and welfare, relative to the administration of child welfare services provided under RSA 161:2, II and XII relative to child welfare services funded through the social services block grant; 167:43; 167:51-167:53; 169-C; 170-A; 170-B; 170-C; 170-F and 463, it shall be construed to mean the division for children and youth services.

27 Report by the Commissioner of Health and Welfare. The commissioner of health and welfare shall prepare a progress report on the transfers of functions and duties required by this act and shall deliver such report to the governor, the speaker of the house of representatives and the president of the senate on or before July 1, 1984.

Amend the bill by striking out section 29 and inserting in place thereof the following:

29 New Chapter. Amend RSA by inserting after chapter 171-G the following new chapter:

CHAPTER 170-H  
PAROLE OF DELINQUENTS

170-H:1 Purpose of Juvenile Parole. It is the intent of the general court that the juvenile parole system provide a means of rehabilitating delinquents who have been committed to the custody of the administrator of the bureau of secure care, division for children and youth services, without continued incarceration. It is also the intent of the general court that the juvenile parole board and the bureau of secure care, division for children and youth services, when administering this system, demonstrate recognition of the need to protect the public from criminal acts by juvenile parolees.

170-H:2 Definitions. As used in this chapter, the following words shall have the following meanings:

I. "Administrative release to parole" means an administrative procedure to provide a period of community adjustment before parole status is granted subject to approval of the juvenile parole board at its next regular meeting.

II. "Administrator" means the administrator of the bureau of secure care, division for children and youth services.

III. "Board" means the juvenile parole board.

IV. "Bureau" means the bureau of secure care, division for children and youth services.

V. "Delinquent" means any person under 18 years of age who has been adjudicated delinquent by a district or superior court and committed to the custody of the administrator.

VI. "Detention" means the care of a minor in a physically restricted facility while awaiting further action by a court.

VII. "Parole" means a conditional release from the custody of the bureau which allows a delinquent to serve the remainder of his commitment outside of an institution or facility operated by the bureau,

contingent upon compliance with the terms and conditions of parole as established by the juvenile parole board.

170-H:3 Juvenile Parole Board. There shall be a juvenile parole board with 5 members. The members of the board shall be appointed by the governor with the consent of the council for staggered terms of 5 years or until their successors are appointed. A vacancy on the board shall be filled for the unexpired term. No member shall serve more than 2 consecutive terms. The governor shall designate one member as chairman, and the chairman shall designate one other member to serve as chairman in his absence. At least 3 members of the board shall be present at all meetings. The board shall hold at least 12 parole hearings each year and may hold more hearings as necessary.

170-H:4 Duties; Juvenile Parole Board. The juvenile parole board shall:

I. Be responsible for paroling delinquents from facilities under the supervision of the administrator, subject to the applicable provisions of this chapter;

II. Have legal custody of all delinquents released on parole until they receive their discharge or are recommitted to the custody of the administrator;

III. Adopt rules, pursuant to RSA 541-A, relative to:

- (a) The parole process, including the conduct of parole hearings;
- (b) Criteria used to evaluate prospective parolees;
- (c) Conditions for the conduct of parolees;
- (d) Procedures for revocation of parole; and

(e) Conditions under which the bureau may return a parolee to a secure facility pending action by the board.

170-H:5 Administrative Release. The administrator, if he determines it is in the best interests of a delinquent and the public, may place a delinquent in his custody on administrative release. Such an administrative release shall be in effect for no longer than 30 days.

170-H:6 Eligibility for Release.

I. The board may parole a delinquent, if:

(a) The administrator has determined that parole is in the best interest of the delinquent and the public and that further incarceration will be of no benefit; and

(b) It shall appear to the board that there is a reasonable probability that the delinquent will remain at liberty without violating the law and will conduct himself as a good citizen.

II. No delinquent detained at a juvenile correctional facility under RSA 169-B shall be subject to the provisions of this chapter regarding parole.

170-H:7 Juvenile Parole Records. The board shall have access to all juvenile parole records of the bureau. The board shall review the records of the bureau for each offender in its custody at least once every 36 months.

170-H:8 Return to Detention Facility. When the administrator determines that circumstances exist which justify returning

a paroled delinquent to a secure facility, the administrator may, subject to the conditions established by the board under RSA 170-H:4, III(e), return a paroled delinquent to such a facility. In all such cases, the administrator shall notify the board of his action within 72 hours.

170-H:9 Report Required.

I. The bureau shall report any delinquent who violates the conditions of his parole to the parole board. However, the bureau shall, within 30 days of official knowledge of such an occurrence, submit a report on any parolee who:

- (a) Is arrested for any felony or misdemeanor offense;
- (b) Is convicted of any offense;
- (c) Absconds from supervision for a period of 30 days or more;
- (d) Commits numerous parole violations.

II. This report shall include information on the circumstances of the alleged violation as well as a recommendation as to whether parole should be revoked.

170-H:10 Parole Revocation. Any delinquent returned to a secure facility under the provisions of RSA 170-H:8 shall be entitled to a hearing before the board within 10 days. The parolee shall have the right to appear and be heard at this hearing. If the board, after a hearing, finds that the parolee has violated the conditions of parole or violated the law and in its judgment should be recommitted to the custody of the administrator, the board shall revoke his parole. An offender whose parole is revoked shall be recommitted to the custody of the administrator.

170-H:11 Effect of Recommittal. Any delinquent whose parole is revoked shall be returned to the custody of the administrator. The offender may at any time prior to his eighteenth birthday be paroled again. If not paroled, a delinquent shall remain in custody until his eighteenth birthday.

170-H:12 Early Discharge. A delinquent on parole may be discharged by the board whenever it finds discharge to be in the best interest of the juvenile and of the state. Every discharge shall be in writing and shall be a full release from all penalties and disabilities created by the commitment.

170-H:13 Administrative Attachment.

I. The juvenile parole board shall be administratively attached to the department of health and welfare.

II. The juvenile parole board shall:

(a) Exercise its powers, duties, functions and responsibilities independently of the department of health and welfare and without approval or control of the department, except as otherwise specifically provided by statute;

(b) Submit the budget requests required by RSA 9 through the department; and

(c) Submit reports required of it by law or by the governor through the department.

III. The department of health and welfare shall:

(a) Provide budgeting, recordkeeping and related administrative and clerical assistance to the board if mutually agreed to in writing, provided that the board shall pay the department on a cost allocation basis for such services;

(b) Include the board's budget requests, as submitted and without changes, in the departmental budget.

IV. Unless otherwise provided by law, the juvenile parole board shall hire personnel in accordance with state personnel laws.

Amend the bill by striking out all after section 32 and inserting in place thereof the following:

33 Transition. The commissioner of health and welfare shall nominate for appointment by the governor and council the director of the division for children and youth services on or before August 15, 1983. The governor and council shall appoint the director of the division for children and youth services before October 1, 1983. The transfers required by this act shall be completed by January 1, 1985. The governor may draw his warrant upon funds not otherwise appropriated to cover reasonable expenses associated with the transition, including reimbursement of the director-designate.

34 Commissioner Defined. Amend RSA 170-E:1, II as inserted by 1975, 471:2 by striking out said paragraph and inserting in place thereof the following:

II. "Commissioner" means the commissioner of the department of health and welfare.

35 Cross References: Director. Amend the following sections and paragraphs of sections of RSA by striking out in them the word "director" and inserting in place thereof the following (commissioner): RSA 170-E:5; RSA 170-E:8; and RSA 170-E:11, 1.

36 Cross References: Department. Amend the following sections and paragraphs of RSA by striking out in them the word "division" and inserting in place thereof the following (department): RSA 170-E:1, VIII. IX; RSA 170-E:3; RSA 170-E:4; RSA 170-E:5; RSA 170-E:6; RSA 170-E:7; RSA 170-E:8; RSA 170-E:9; RSA 170-E:10; RSA 170-E:11, II; RSA 170-E:13; RSA 170-E:14; RSA 170-E:15; RSA 170-E:16; RSA 170-E:17; RSA 170-E:18; RSA 170-E:19; and RSA 170-E:20.

37 Licensing Authority Transfer. All the functions, powers, duties, personnel, records, and property of the division of welfare relative to licensing child care facilities pursuant to RSA 170-E are transferred to the department of health and welfare.

38 Appropriation. There is hereby appropriated to the division for children and youth services, established by section 2 of this act, for the purposes of this act the sum of \$1.00 for the fiscal year ending June 30, 1984, and the sum of \$1.00 for the fiscal year ending June 30, 1985. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

39 Repeal. The following are hereby repealed:

I. RSA 94:5, I(a), relative to maintenance for the superintendent of the youth development center.

II. RSA 170-B, relative to the commission on children and youth.

III. RSA 170-E:1, IV, relative to the definition of director.

IV. RSA 621:5, relative to supervisory control over the youth development center board of trustees.

V. RSA 621:11, relative to the superintendent of the youth development center.

VI. RSA 621:13, relative to the deputy superintendent of the youth development center.

VII. RSA 621:14, relative to compensation of the superintendent.

40 Duties of Division. Amend RSA 170-G:4, II as inserted by section 2 of this act by striking out said paragraph and inserting in place thereof the following:

II. Provide services for all children and youth referred to it by the probate and district courts pursuant to RSA 169-B; 169-C; 169-D; 170-B; 170-C; and 463 and for all children and youth who are at risk of placement with the division.

41 Duties of Division. Amend RSA 170-G:4 by inserting after paragraph XII the following new paragraph:

XIII. Assume and administer all the responsibilities and duties of the division of welfare relative to child welfare services provided under RSA 161:2, II and XII relative to child welfare services funded through the social services block grant: 167:43; 167:51-167:53; 169-C; 170-A; 170-B; 170-C; 170-F; and 463 and provided under Title IV-B and Title IV-E of the Social Security Act.

42 Effective Date.

I. Sections 24, 38 and 39 of this act shall take effect January 1, 1985.

II. The remainder of this act shall take effect July 1, 1983.

Amend the bill by striking out sections 1 and 10 and renumbering sections 2-9 to read as 1, 2, 3, 4, 5, 6, 7, 8, respectively and renumbering sections 11-42 to read as 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, and 40 respectively.

Rep. Carragher explained the report.  
Amendment adopted.

Rep. Townsend offered an amendment.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

establishing a division for children and youth services and making an appropriation therefor and establishing a department of administration services.



Amend the bill by striking out section 40 and inserting in place thereof the following:

40 Department of Administrative Services. Amend RSA by inserting after chapter 21-F the following new chapter:

CHAPTER 21-G  
DEPARTMENT OF ADMINISTRATIVE SERVICES

21-G:1 Establishment; General Functions.

I. There is hereby established the department of administrative services, an agency of the state, under the executive direction of a commissioner of administrative services. The commissioner of administrative services shall serve as the chief fiscal planning and control officer of the state of New Hampshire.

II. The department of administrative services, through its officials, shall be responsible for managing and coordinating the following administrative and financial functions, upon which the effective and efficient management of all state programs and operations relies:

- (a) Budgeting;
- (b) Pre-auditing;
- (c) Accounting;
- (d) Financial reporting;
- (e) Data processing;
- (f) Graphic services;
- (g) Property and physical

plant management;

- (h) Risk management; and
- (i) General support services.

21-G:2 Commissioner; Directors.

I. The commissioner of the department shall be appointed by the governor, with the consent of the council, and shall serve at the pleasure of the governor.

II. The commissioner shall nominate for appointment by the governor, with the consent of the council, each division director, the budget officer and the internal auditor. The division directors, the budget officer and the internal auditor shall each serve for a term of 4 years and until a successor is appointed and qualified.

21-G:3 Qualifications; Compensation.

I. The commissioner of the department shall be qualified to hold that position by reason of education and experience.

II. The directors of all divisions of the department shall be qualified to hold their respective positions by reason of education and experience.

III. The salary of the commissioner shall be as specified in RSA 94:1-a.

21-G:4 Office Established. There is hereby established an office of the commissioner consisting of the following 3 units:

- I. Administration;
- II. State budget; and
- III. Internal audit.

21-G:5 Administration Unit. The commissioner shall establish a unit within his office to provide for internal department administration.

21-G:6 Budget Unit. There is hereby established within the office of the commissioner of administrative services a state budget unit under the supervision of an unclassified budget officer who shall:

I. Conduct a continuous study of the financial operation, needs and resources of the state and compile all information necessary for the preparation of the budget so that each successive budget cycle shall have ready access to all information contained in prior budgets.

II. Establish the procedures which all state agencies shall follow in submitting budget requests to the governor and assist the governor or his designee to compile a tentative budget and budget document, as provided in RSA 9. The procedures established under this paragraph shall not be considered rules subject to RSA 541-A.

III. Recommend to the governor and council appropriate quarterly allotments for each department or agency of the state, for the proper operation of the budget.

IV. Cooperate with the department of public works in long range capital planning to meet the needs of the state as may be requested by the governor and council, and subject to their approval.

V. Provide information and reports to the governor or his designee, as the governor shall request, in order to effectively administer the budget.

VI. Consult with the respective executive heads of state departments, agencies, boards and commissions, relative to the establishment, supervision and maintenance of uniform and effective business records, business practices, and business management, and provide the necessary direction to insure that all manuals of procedure requirements are complied with.

VII. Serve as budget analyst for such state agencies as the commissioner may assign.

21-G:7 Internal Audit. There is hereby established within the office of the commissioner of administrative services an internal audit unit under the supervision of an unclassified internal auditor. The internal audit unit shall:

I. Assist the commissioner by supplying analytical reports of examinations conducted of the department's various divisions, bureaus, units, programs and functions. Examinations will be conducted and reports prepared in accordance with standards of governmental auditing and program evaluation specified by authoritative national standard setting bodies. Reports shall contain analysis, appraisals, comments and recommendations relating to the accuracy and competence of accounting, financial, and management procedures in use. Organizational and operational practices may also be reviewed by the budget officer.

II. The internal audit unit shall not assume any managerial, supervisory or operational function, nor shall it direct action initiated as a result of its recommendations.



21-G:8 Division of Accounting Services. There is hereby established within the department the division of accounting services under the supervision of a director of accounting services, who shall also be known as the comptroller. The comptroller shall direct the state's fiscal accounting systems, using generally accepted accounting principles and taking full advantage of all benefits of automated data processing applications to the end that the fiscal affairs of all state agencies and departments will be adequately and uniformly serviced and that periodic financial and management reports will be available to serve the various needs of all state agencies and the executive and legislative branches in their decision making processes. The division shall include the following internal organizational units:

I. The bureau of accounting under the supervision of a classified administrator of accounting who shall be responsible for the following functions, in accordance with applicable laws:

(a) Developing, administering, and, as necessary, revising an integrated system of governmental cost accounting and financial reporting which accurately and systematically accounts for all revenues, receipts, resources and property of the state and each of its agencies; and records information about the financial activities of the state and its agencies necessary to compare and control expenditures and commitments, within budgets and appropriations; and from which it shall be possible to obtain accurate annual and interim financial statements and other reports which present fairly and with full disclosure the financial position and results of operations of the state of New Hampshire in conformance with generally accepted accounting principles; and which makes it possible to determine and demonstrate compliance with finance related legal and contractual provisions, including federal grants, to which the state or any of its agencies are subject. The commissioner of administrative services may authorize deviations from generally accepted accounting principles when he deems it in the best interest of the state, provided that he explains his reasons for so deviating in the annual report required by subparagraph (h).

(b) Reviewing all state contracts for budget control and for substantive protection of the public interest.

(c) Preauditing claims to be presented for the issuance of warrants and certifying to the governor and council that such are just and proper claims against the state and within appropriations provided by statute.

(d) Preparing appropriate warrants and schedules of pre-audited manifests supporting the same, for consideration and execution by the governor, with the advice and consent of the council.

(e) Making appropriate departmental and agency budget adjustments for services performed by the department of public works.

(f) When so authorized by the governor and council, making such transfers of appropriation items within any division or functional unit of state government as may be necessary or desirable to best carry out the purpose of such division of functional unit.

(g) Making use of the most advanced and economical techniques within the capabilities of the state's data processing system in carrying out his duties.

(h) Not later than 90 days after the close of the fiscal year, unless the governor and council for good cause shall extend such period, complete a comprehensive annual report concerning the preceding fiscal year that details the financial condition and operation of the state during that period in a manner consistent with generally accepted accounting principles. Said report shall subsequently be audited by the legislative budget assistant who may designate a certified public accountant not employed in the state service to conduct the annual audit and may accept the findings and report of the certified public accountant as fulfilling the provisions of this section provided that in either case said audit shall be conducted in accordance with prevailing standards and practices of governmental auditing specified by authoritative national standard setting bodies.

(i) Controlling all payment of moneys into the treasury.

II. The bureau of risk management under the supervision of a classified administrator of risk management who shall be responsible for the following functions, in accordance with applicable laws:

(a) Identifying loss exposure for all state real and personal property and for personal injury, except as otherwise provided by law, on a continuing basis.

(b) Developing and operating risk reduction programs, in accordance with the loss prevention guidelines adopted pursuant to RSA 21-G:14, II.

(c) Identifying cost effective means for protecting against various types of losses, including self-funding, commercial insurance purchases and risk assumption, and recommending to the governor and the general court actions to be taken through the budget process to implement such means.

(d) Preparing bid specifications for use by the state when seeking commercial insurance.

(e) After consultation with, and approval by, the board of approval as established by RSA 93-B, and the commissioner of administrative services, purchasing liability insurance under a fleet policy covering the operation of state owned vehicles and motorboats, and such other insurance and surety bonds as any state department, agency or official may now or hereafter be legally authorized to secure, or required to furnish; provided that approval shall not be granted for any such insurance or surety bonds unless the same have been negotiated for, are procured from and the premium therefor is to be paid to a

resident agent of an insurance company registered and licensed to do business in this state. With the exception of any risk located outside the state, no such insurance company or resident agent, personally or by another, shall allow, give or pay, directly or indirectly, to any nonresident agent or nonresident broker any part of the commission on the sale of such insurance or surety bonds. The insurance commissioner may suspend or revoke the license of any resident agent or insurance company violating the provisions hereof.

21-G:9 Division of Information Services. There is hereby established within the department the division of information services under the supervision of a director of information services who shall be responsible for the following functions, in accordance with applicable laws:

I. Managing a service operation which shall provide data processing and graphic services to all state agencies, except as provided in paragraph VII.

II. With reference to the division of information services and the rulemaking authority of the commissioner in this area, "graphic services" shall mean any method of producing written or pictorial representations and shall include, but not be limited to all forms of photography, photocopy, duplicating, printing and word processing.

III. Exercising authority over all state data processing facilities, equipment and personnel, except personnel engaged exclusively in data entry functions, and except as provided in paragraph VII, including:

(a) Approving or disapproving the location, construction, equipping and staffing of all state data processing facilities, and the acquisition by any state agency of data processing equipment, in accordance with rules adopted pursuant to RSA 21-G:14, I.

(b) Granting prior approval to any rentals, purchases, programming costs, inter-departmental and regional agreements or consulting fees relative to data processing, other provisions of law notwithstanding.

IV. Preparing a current and long range data processing plan through studies of the needs of state agencies for data processing services, and recommending to the governor or his designee priorities for the implementation of programs and the development and use of modern data processing techniques and equipment by the state.

V. Exercising authority over all state copy centers, photography facilities, photocopy facilities and printing and duplicating facilities, except as provided by paragraph VIII, including:

(a) Approving or disapproving the purchase or continuing ownership of all graphic services equipment and the employment of related personnel by the agencies not exempted by paragraph VIII, in accordance with rules adopted pursuant to RSA 21-G:14, VI.

(1) Approval of continued ownership and employment of related personnel shall be required annually.

(2) Upon disapproval of continued ownership and employment of related personnel, the director shall provide written certification to the commissioner of the reasons for such disapproval. The commissioner shall immediately transmit this certification to the governor, the speaker of the house and the president of the senate.

(3) Upon disapproval of continued ownership and employment of related personnel, all equipment and full-time personnel shall revert to the direct control of the bureau of graphic services.

(b) Providing for the allocation and use of all state photocopiers in accordance with RSA 21-G:14, VII.

(c) Establishing, subject to the availability of funds, operating space for the maintenance of an adequate stock of paper, supplies and other materials necessary for the efficient operation of all printing, duplicating and other graphic services.

VI. Purchasing equipment for resale, lease or rental to other governmental agencies, for purposes of carrying out the provisions of subparagraphs V(b) and (c) and RSA 21-G:10. All such purchases, rentals and leases shall be made through the commissioner. Such purchases, rentals and leases shall be a charge upon an inventory account established upon recommendation of the comptroller. The director of information services shall report monthly to the comptroller the value of issues out of inventory and the appropriation account to be charged therefor. The inventory account shall be credited with issues out of inventory. Such purchases, rentals and leases shall be a charge upon an inventory account maintained in the division of accounting services.

VII. Employing consultants and making contracts with qualified persons to carry out specific projects relative to the operation of the division, with the approval of the commissioner and the governor, with the consent of the council.

VIII. The following exceptions to the authority of the director of information services shall apply:

(a) He shall exercise no management or other authority over the data processing operations of the liquor commission, the department of employment security, or the university system of New Hampshire.

(b) He shall exercise no management or other authority over the state police photo laboratory.

(c) He shall exercise no management or other authority over the printing, duplicating, photocopying, photographic or other graphic services equipment of personnel of the university system of New Hampshire, the department of public works and highways, the department of employment security and the general court.

21-G:10 Internal Organization. The division of information services shall

include the following internal organizational units:

I. The bureau of systems development under the supervision of a classified administrator of systems development who shall be responsible for the following functions in accordance with applicable laws:

(a) Providing systems development services to all state agencies.

(b) Carrying on a continuing analytical research and planning program in the field of governmental financial management in order to provide for the most effective and efficient information management systems possible.

(c) Providing technical planning and policy guidance to the comptroller in the development and integration of all long range statewide financial accounting programs.

II. The bureau of data processing operations under the supervision of a classified administrator of data processing operations who shall be responsible for the following functions, in accordance with applicable laws:

(a) Administering and operating state data processing centers.

(b) Supervising the purchase of all data processing equipment or services.

III. The bureau of graphic services under the supervision of a classified administrator of graphic services who shall be responsible for the following functions, in accordance with applicable laws:

(a) Supervising all state printing and its procurement.

(b) Ensuring that all legislative printing within the capability of the bureau of graphic services shall, at all times, have priority over other work of the section.

(c) Providing the capability to levy cost charges on the use of each state photocopier.

(d) Using the prison printshop to the extent it can efficiently do so to function as a vocational rehabilitation facility under the direct supervision of prison authority, provided the prison printshop shall be entitled to bid on any appropriate state printing job.

21-G:11 Division of Plant and Property Management. There is hereby established the division of plant and property management under the supervision of a director of plant and property management who shall be responsible for the following functions, in accordance with applicable law:

I. With reference to the division of plant and property management and the rulemaking authority of the commissioner in this area, the following definitions shall apply:

(a) "Supplies" shall mean all materials, equipment, printing, furniture, furnishing, and books, of every name and nature.

(b) "Agency" shall mean the general court, any board, department, commission, hospital, sanitarium, home, library, school, college, prison or other institution conducted or operated by or for the state of New Hampshire.

(c) "Purchase" shall mean all contracts for the purchase of supplies, as well as the act of purchasing.

(d) "Emergency" shall mean any situation requiring the immediate purchase of supplies arising from any unavoidable casualty or disaster.

(e) "Governing board" shall mean the board, commission, board of trustees, department head or other administrative body responsible for the conduct of any agency.

II. Purchasing all materials, equipment and supplies for all departments and agencies of the state including contracting for the purchase or rental of data processing equipment, except as otherwise provided by law. Insofar as practicable all such purchases shall be made in such quantities and manner as shall be most economical for the state.

III. Requiring competitive bidding before making any purchase for the state pursuant to the laws of the state applicable to the director of plant and property management, except:

(a) When the best interests of the state would be served thereby and the purchase involves a total expenditure of not more than \$1,000 or is a purchase in an approved class;

(b) When after reasonable investigation, it appears that any required unit or item of supply, or brand of such unit or item, is procurable by the state from only one source;

(c) When, after reasonable investigation, it appears that any required service, unit or item of supply, or brand of such unit or item, has a fixed market price at all sources available to the state;

(d) When, in the opinion of the governor, an emergency exists of a nature which requires the immediate procurement of supplies, he may authorize the director of plant and property management to make a purchase without competitive bidding; and where the rates filed with and approved by the insurance commissioner are uniform, the purchase of state insurance and public state official and employee bonds are specifically excluded from competitive bidding as to price; provided, however, that nothing contained in this subparagraph shall preclude the director of plant and property management from inviting plans of insurance coverage from any resident licensed insurance agent.

IV. Except where competitive bidding has been employed, no purchase involving an expenditure of more than \$1,000 or purchase in an approved class may be made by the director of plant and property management without the written approval of the commissioner. In requesting such approval the director shall first state in writing his reasons for not employing competitive bidding. If the commissioner refuses to approve any such noncompetitive purchase the director may appeal to the governor for such approval and the governor shall approve or disapprove such purchase in writing.

V. Promptly furnishing to any agency and to the comptroller, a copy of any

purchase order executed by him for supplies for the said agency.

VI. Having custody of all state owned real and personal property not specifically charged to some other department.

VII. Maintaining a central inventory record of all state owned real property, physical plant and equipment, which record shall be made available to the comptroller to assist him in complying with accounting principles. In order to compile this record the director shall:

(a) Advise each state agency how to establish and maintain a perpetual inventory record system for real property, physical plant and equipment; and

(b) Require each state agency to report annually, in such form as prescribed by the director, an inventory of the real property, physical plant and equipment under its jurisdiction. The form of such report shall not be considered a rule subject to the provisions of RSA 541-A.

21-G:12 Internal Organization: Division of Plant and Property Management. The division of plant and property management shall include the following internal organizational units:

I. A bureau of purchase and property under the supervision of a classified administrator of purchase and property who shall be responsible for the following functions, in accordance with applicable laws:

(a) Inspecting and testing deliveries for compliance with purchase orders.

(b) Maintaining and operating such central storage facilities as may be practical.

(c) Charging property and equipment to the using departments, as he shall deem advisable, and expressly specifying the responsibility for maintenance of the same.

(d) Transferring unused supplies and equipment from one department or agency to another where needed and determining the value thereof; where such unused supplies and equipment cannot be so transferred, providing for disposal to the public by competitive bid whenever the estimated value of any unit or total of units is \$100 or more, otherwise in such manner as appears to be in the best interest of the state.

II. A bureau of planning and management under the supervision of a classified administrator of planning and management who shall be responsible for the following functions, in accordance with applicable laws:

(a) Recommending assignment of office and office related space, including rented space, to the director, who shall report such recommendations to the commissioner.

(b) Preparing and maintaining an inventory of all physical space used by the state, including rented space and the cost thereof. This inventory shall be made available to the comptroller in order to assist him to comply with accounting principles.

(c) Planning for any additional office space needs of the state in consultation with the division of public works in the department of public works and highways.

(d) Planning for any major renovation to state office buildings in consultation with the division of public works in the department of public works and highways.

III. A bureau of general services under the supervision of a classified administrator of general services who shall be responsible for the following functions, in accordance with applicable laws:

(a) Providing support services, including but not limited to, mailing, messenger and telephone service to state government.

(b) Providing for the general maintenance of state owned buildings and grounds, except as otherwise provided by law.

21-G:13 Duties of Commissioner. In addition to the powers, duties and functions otherwise vested by law in the commissioner of the department of administrative services, he shall:

I. Represent the public interest in the administration of the functions of the department and be responsible to the governor, the general court and the public for such administration.

II. Develop and implement, subject to approval by the governor and the legislature, a long range 6-year financial plan for the state of New Hampshire.

III. Attend all meetings of the executive council and joint legislative fiscal committee, answer questions and give information called for by these bodies, and their members, relative to financial operations of the state and its several agencies.

IV. Furnish to any committee of either house of the legislature having jurisdiction over revenue or appropriations such aid and information regarding the financial affairs of the state as it may request.

V. Receive cooperation from all agencies in providing information which he shall request in order to carry out his statutory functions.

VI. Have authority to destroy at the end of 6 years from the time of filing any records, reports, or miscellaneous papers in the department which, in his opinion, are no longer of value to the state, provided that any such destruction shall have the prior approval of the legislative budget assistant.

VII. Assign office and office related space, including rented office space, for the use of state agencies, after consultation with the governor and the joint fiscal committee except:

(a) In the legislative office building and the state house; and

(b) In any facilities under the control of the judicial branch of government.

VIII. Have the authority to temporarily assign and reassign the personnel of the department among the organizational units of the department.



21-G:14 Rulemaking Authority. The commissioner of administrative services shall adopt rules, pursuant to RSA 541-A, relative to:

I. A comprehensive and uniform system of state financial management as required by RSA 21-G:8, 1(a). Rules relating to accounting and financial reporting shall conform with generally accepted accounting principles. Rules adopted by the commissioner under this paragraph shall be contained in a written manual, to be updated and revised as he deems necessary, that clearly explains procedures applicable to all state agencies, officers and employees other than the legislative branch and the state judicial branch. Rules adopted pursuant to this section shall not be filed in final form with the director of legislative services until they shall be approved by the governor, with the consent of the council.

II. Loss prevention guidelines for the purpose of risk management.

III. Standards governing state data processing facilities, including the acquisition of data processing equipment.

IV. Standards governing data processing systems work, programming methods and the form of input data where data is processed by an agency.

V. Standards for the provision of graphic services which will insure efficiency and high quality work.

VI. Standards governing the purchase and continuing ownership of graphic services equipment by agencies not exempted by RSA 21-G:9, VIII.

VII. Standards governing the allocation and use of state photocopiers by the agencies not exempted by RSA 21-G:9, VIII.

VIII. Standards necessary to assure the continuation or granting of federal funds or other assistance not otherwise provided for by law.

IX. Standards for the format, content and style of agency annual or biennial reports, after consultation with the administrator of the bureau of graphic services with regard to format. These standards shall require that agency reports provide statistical information on agency activities and operations in addition to narrative discussions; and that agency reports analyze the operational efficiency of state operations and program performance in terms of explicitly stating the statutory functions each agency is to perform and how these statutory functions are being accomplished, in terms of unit-cost measurement, workload efficiency data, and program output standards established by the commissioner.

41 Transfer and Termination of Agencies. The department of administration and control, the department of centralized data processing and the data processing commission are hereby abolished; and all powers, functions and duties of such agencies and the officials of such agencies are hereby transferred to and vested in the commissioner of administrative services.

42 References.

I. With respect to the functions, powers, and duties transferred under this act to the department of administrative services, whenever in any law, rule, judicial or administrative proceeding or otherwise, reference is made to the department of centralized data processing or the data processing commission, the same shall mean and refer to the department of administrative services.

11. The director of legislative services is hereby authorized, with the approval of the speaker of the house and the president of the senate, to make changes in the printed version of all laws and rules as provided in paragraph I, provided that no substantive changes may thereby be made.

43 Transition Process. The transition and implementation procedures to be followed in implementing this act shall be as specified in House Bill 1, the executive branch reorganization act of 1983, of the 1983 regular session of the general court.

44 Authority to Conform Laws. The director of legislative services is hereby authorized, with the approval of the speaker of the house and the president of the senate, to make changes in the printed version of all laws enacted by the 1983 session of the general court that may be necessary for the purpose of conforming the language of such legislation to the language of this act, provided that no substantive changes may thereby be made. Such authority shall expire upon the printing of the 1983 session laws.

45 Transition. The governor, with the consent of the council, may appoint the commissioner of administrative services on or after July 1, 1983. The governor may draw his warrant upon funds not otherwise appropriated to cover reasonable expenses associated with the transition, including reimbursement of the commissioner-designate.

46 Exceptions. Amend RSA 8:25 as amended by striking out said section and inserting in place thereof:

8:25 Exceptions. To the extent indicated in this section, the following agencies and purchases are excepted from the provisions of this chapter. All purchases so excepted shall be made in accordance with the existing laws governing such purchases:

1. The university of New Hampshire shall not be required to make any purchases through the director of plant and property management. However, such director shall cooperate in the purchase of supplies for the university whenever requested to do so by the president of the university or his authorized agent, and in making such purchases the director shall be governed by the provisions of this chapter and RSA 21-G.

11. The purchasing powers now vested in the state liquor commission by RSA 176:10, 176:13, and 177:1 shall remain in effect. All other purchases for said commission shall be subject to the provisions of this chapter and RSA 21-G.

111. The supreme court, the superior court and the state reporter are excepted entirely from the provisions of this chapter and RSA 21-G.

IV. This chapter and RSA 21-G shall not apply to any contracts made or



entered into by the purchasing agent or any agency whereby contractors with the state purchase their own supplies upon their own credit.

V. The purchase of materials, supplies and merchandise by the department of resources and economic development as provided by RSA 219:21 shall not be subject to the provisions of this subdivision and RSA 21-C.

VI. All state agencies are excepted in the matter of the purchase of books and periodicals only. All purchases shall be made by the state library. The state librarian shall establish appropriate administrative procedures for such purchases.

47 Integrated Financial System. It is hereby declared to be the intent of the general court that an integrated financial system, including, but not limited to, an accounts payable system, and budget to actual comparisons be developed within the department of administrative services as rapidly as possible during the biennium ending June 30, 1985. Other provisions of law notwithstanding, in order to develop a fully efficient and integrated accounts payable system, so much as is necessary of the appropriations, personnel and functions assigned to the disbursement section of the treasury department shall, during the biennium, be transferred to the department of administrative services. The treasurer and the commissioner of administrative services shall jointly present a plan to the governor for his approval. Such plan shall take effect immediately upon the governor's approval unless negated by the fiscal committee.

48 Temporary Authority to Set Salaries.

I. The commissioner of administrative services appointed pursuant to this act shall include as part of the implementation plan submitted in accordance with House Bill 1, the executive branch reorganization act of 1983, of the 1983 regular session of the general court recommendations as to the appropriate temporary salary level for the directors of all divisions of the department, the budget officer and the internal auditor of administrative services except as otherwise provided by this act.

II. The joint committee established by House Bill 1, the executive branch reorganization act of 1983, of the 1983 regular session of the general court shall submit the recommendations submitted in accordance with paragraph I to the joint fiscal committee of the general court. The joint fiscal committee shall consider these recommendations and shall set a temporary salary level for each division director of the department of administrative services, except as otherwise provided by this act.

III. The joint fiscal committee shall recommend permanent salary levels for each division director of the department of administrative services to the next regular or special session of the general court following the effective date for the department of administrative services established pursuant to this act. In any case, the temporary salary levels set pursuant to this section shall expire 10

days after the last session day of the next regular or special session following the effective date for the department of administrative services established pursuant to this act.

49 Certain Functions. The commissioner of administrative services appointed pursuant to this act shall have discretion to assign any function of the department not otherwise assigned by law to any organizational unit of the department as he deems appropriate.

50 Incumbent Comptroller. On the effective date of the transfers provided for by this act, the incumbent comptroller shall become the first director of the division of accounting services, also known as the comptroller, at the same salary and for the remainder of his existing term. Following the completion of his term, the commissioner shall nominate a director of accounting services, also known as the comptroller, for a 4 year term.

51. Appropriations. All realignment of functions, reassignment of personnel and restructuring of organizational units required by this act shall be accomplished within the existing appropriations transferred from the departments consolidated by this act to the department of administrative services. No additional appropriations shall be made for purposes of implementing this act.

52. Salary. Amend RSA 94:1-a, I (supp) as inserted by 1975, 505:28 as amended by inserting in Group T the title "Commissioner, department of administrative services."

53 Repeal. The following sections relative to the department of administration and control are hereby repealed on the effective date of the department of administrative services established pursuant to this act:

- I. RSA 8:1 - 8:17.
- II. RSA 8:19.
- III. RSA 8:24.
- IV. RSA 8:33 - 8:36-a
- V. RSA 8:50 - 8:59.

54 Effective Date.

I. Sections 24, 38 and 39 of this act shall take effect January 1, 1985.

II. The remainder of this act shall take effect July 1, 1983.

Hearing no objection, the Chair advised the Clerk to dispense with the reading of the amendment.

Rep. Sara Townsend explained the amendment and yielded to questions.

Reps. Spirou, Daniell, Joos, Jacobson, Newman, Gary Dionne and Barber spoke against the amendment.

Reps. Vartanian, Tamposi, Scamman, Quimby, French and Dexter spoke in favor of the amendment.

Rep. Wayne King spoke against the amendment and yielded to questions.

Rep. Harold Watson spoke in favor of the amendment and yielded to questions.

Rep. Russell moved the previous question. Sufficiently seconded. Adopted.

Rep. Harold Watson requested a roll call. Sufficiently seconded.

(Speaker presiding)  
YEAS 178 NAYS 160  
YEAS 178

BELKNAP: Dexter, French, Hardy, Robert Hawkins, Holbrook, Matthew Locke, Pearson, Sanders and David Whittemore.

CARROLL: Ashnault, Chandler, Dickinson, Heath, Hraha, Kenneth MacDonald, Powers and Saunders.

CHESHIRE: Davis, Galloway, Gordon, Grodin, Lane, Miller, Morse, Parker, Perkins, Perry and Scranton.

COOS: Harold Burns, Chappell, Chardon, Guay, Horton, David King and George Lemire.

GRAFTON: Blair, Christy, Downing, Driscoll, Duggan, LaMott, Logan, Mann, McAvoy, Rounds, Stevens, Stewart, John Townsend, Walter Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Bass, Boutwell, Leslie Burns, Carragher, Charbonneau, Craig, Duffett, Duprey, Clyde Eaton, Fields, Grasso, Head, Humphrey, Thomas Hynes, Jean, Kashulines, Keefe, Robert Kelley, Knight, Labombarde, John Lawrence, Roland Lemire, Howard Mason, Nickerson, Nute, Marjorie Peters, Russell, Sallada, B. P. Smith, Leonard Smith, Steiner, Sylvia, Tamposi, Van Loan, Ware, Geraldine Watson, Harold Watson, Wells, Emma Wheeler, Kenneth Wheeler, James J. White, Eleanor Whittemore, M. Arnold Wight and Lucille Wood.

MERRIMACK: Allgeyer, Anderson, Bardsley, Bibbo, Laurent Boucher, Dean, Cross, Mary Holmes, Kidder, Lewis, Arthur Locke, McDonnell, Phelps, Doris Riley, William Roberts, Rogers, Shepard, Stark, Stio and James Whittemore.

ROCKINGHAM: Ames, Benton, Blake, Burdick, Butler, Campbell, Danderson, Day, Ellyson, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Joslyn, Kane, Roger King, LoFranco, Longworth, Mace, Malcolm, Robert Mason, William Moore, Nevins, Newell, Palumbo, Parr, Quimby, Romoli, Scamman, Schmidtchen, Schwaner, Sherburne, Simon, Skinner, Sloan, Sochalski, Stork, Sytek, Tavitian, Tufts, Vartanian, Walker, Warburton, Webster and Woodward.

STRAFFORD: Appleby, Bouchard, Paul Meader, Francis Robinson, Franklin Torr and Whiting.

SULLIVAN: Cutting, Flint, Gray, Ingram, Paul Johnson, Palmer, Reney and Sara Townsend.

NAYS 160

BELKNAP: Birch, Bolduc, Bowler, Gary Dionne, Golden, Lamprey, Nighswander, Randall and Zeckhausen.

CARROLL: Chase and Murphy.

CHESHIRE: Barber, Boulter, Eugene Clark, Crane, Daniel Eaton, Hickey, Matson, David

Meader, Michaelides, Margaret Ramsay, William Riley and William Sullivan.

COOS: Brideau, Coulombe, Langley, Oleson, Theriault, Valliere and York.

GRAFTON: Chambers, Copenhaver, Crory, Densmore, Girouard, Harnish, Hutchings, Michael King, Wayne King and Taffe.

HILLSBOROUGH: Abrams, Debora Ahern, Richard Ahern, Baker, Bergeron, Burkush, Cote, Cronin, Crotty, William Dion, Donovan, Durant, Joseph Eaton, Fried, Gagnon, Galway, Gelinas, Harrington, Daniel Healy, Hendrick, Katsiaficas, Evelyn King, Leclerc, Lefebvre, David Lemire, Levesque, Lyons, Martineau, McGlynn, Migneault, Morrisette, Nelson, O'Rourke, Parmenter, Pressly, Quinn, Raiche, Reidy, Resch, Rohie, Ellen-Ann Robinson, Roy, Soucy, Spirou, James Sullivan, Mary Sullivan, Turgeon, Vachon, Wagner, John Wallace, Roger Wallace, Robert Wheeler, Winn and Zajdel.

MERRIMACK: Bowes, Chynoweth, Samuel Clark, Daniell, Degnan, Jacobson, Kinhan, LaBranche, Mercier, Pannell, Louise Roberts, Savaria, Lawrence Sullivan and Wallner.

ROCKINGHAM: Bangs, Belanger, Blaisdell, Blanchard, Blanchette, William Boucher, Carpenito, Case, Connors, Cotton, Cressy, Greene, Hollingworth, John Hynes, Kozacka, Krasker, Leslie, McLane, Newman, Pantelakos, Pevear, Popov, Rosencrantz and Splaine.

STRAFFORD: Banks, Belhumeur, Bernard, Blouin, Chagnon, Couture, Demers, Dingle, Albert Dionne, Donnelly, Fielding, Flynn, Hennessey, Hussey, Joos, Kincaid, Lussier, Pelley, Arnold Peters, Sackett, Schreiber and Timm.

SULLIVAN: Brodeur, Carlson, Converse, D'Amante, Irwin and Susan Lawrence, and the amendment was adopted.

Question being on the Committee report as amended, a roll call was requested. Sufficiently seconded.

(Speaker presiding)  
YEAS 198 NAYS 141  
YEAS 198

BELKNAP: Dexter, French, Hardy, Robert Hawkins, Holbrook, Matthew Locke, Nighswander, Pearson, Randall, Sanders, David Whittemore and Zeckhausen.

CARROLL: Ashnault, Chandler, Chase, Dickinson, Heath, Hraha, Kenneth MacDonald, Powers and Saunders.

CHESHIRE: Davis, Galloway, Gordon, Grodin, Lane, Miller, Morse, Parker, Perkins, Perry and Scranton.

COOS: Harold Burns, Chappell, Chardon, Guay, Horton, David King and George Lemire.

GRAFTON: Blair, Christy, Downing, Driscoll, Duggan, Easton, Harnish, Wayne King, LaMott, Logan, Mann, McAvoy, Rounds, Stevens,

Stewart, John Townsend, Walter. Ward,  
Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Bass,  
Boutwell, Leslie, Burns, Carragher,  
Charbonneau, Craig, Duffett, Duprey, Clyde  
Eaton, Fields, Grasso, Harrington, Head,  
Humphrey, Thomas Hynes, Kashulines, Keefe,  
Robert Kelley, Knight, Labombarde, John  
Lawrence, Leclerc, Howard Mason, Nelson,  
Nickerson, Nute, Marjorie Peters, Resch,  
Ellen-Ann Robinson, Russell, Sallada, B. P.  
Smith, Leonard Smith, Steiner, Sylvia,  
Tamposi, Van Loan, John Wallace, Ware,  
Geraldine Watson, Harold Watson, Wells, Emma  
Wheeler, Kenneth Wheeler, James J. White,  
Eleanor Whittemore, M. Arnold Wight and  
Lucille Wood.

MERRIMACK: Allgeyer, Anderson, Bardsley,  
Bibbo, Laurent Boucher, Bowes, Dean, Gross,  
Mary Holmes, Jacobson, Kidder, Kinhan,  
Lewis, Arthur Locke, McDonnell, Phelps,  
Doris Riley, Louise Roberts, William  
Roberts, Rogers, Shepard, Stark, Stio,  
Lawrence Sullivan and James Whittemore.

ROCKINGHAM: Ames, Benton, Blaisdell, Blake,  
Burdick, Butler, Campbell, Danderson, Day,  
Ellyson, Flanagan, Harry Flanders, John  
Flanders, Beverly Gage, Thomas Gage,  
Hollingworth, Joslyn, Kane, Roger King,  
LoFranco, Longworth, Mace, Malcolm, Robert  
Mason, McLane, William Moore, Nevins,  
Newell, Palumbo, Parr, Quimby, Romoli,  
Scamman, Schmidtchen, Schwaner, Sherburne,  
Simon, Skinner, Sloan, Sochalski, Stork,  
Sytek, Tavitian, Tufts, Vartanian, Walker,  
Warburton, Webster and Woodward.

STRAFFORD: Appleby, Bouchard, Joos, Paul  
Meador, Francis Robinson, Sackett, Franklin  
Torr and Whiting.

SULLIVAN: Cutting, Flint, Gray, Ingram,  
Palmer, Renee and Sara Townsend.

NAYS 141

BELKNAP: Birch, Bolduc, Bowler, Gary  
Dionne, Golden and Lamprey.

CARROLL: Murphy.

CHESHIRE: Barber, Boulter, Eugene Clark,  
Crane, Daniel Eaton, Hickey, Matson, David  
Meador, Michaelides, Margaret Ramsay,  
William Riley and William Sullivan.

COOS: Brideau, Coulombe, Langley, Oleson,  
Thierault, Valliere and York.

CRAFTON: Chambers, Copenhaver, Crory,  
Densmore, Girouard, Hutchings, Michael King  
and Taffe.

HILLSBOROUGH: Abrams, Debora Ahern, Richard  
Ahern, Baker, Bergeron, Burkush, Cote,  
Cronin, Crotty, William Dion, Donovan,  
Durant, Joseph Eaton, Fried, Gagnon, Galway,  
Gelinas, Daniel Healy, Hendrick, Jean,  
Katsiaticas, Evelyn King, Lefebvre, David  
Lemire, Roland Lemire, Levesque, Lyons,  
Martineau, McGlynn, Migneault, Morrisette,  
O'Rourke, Parmenter, Pressly, Quinn, Raiche,

Reidy, Robie, Roy, Soucy, Spiro, James  
Sullivan, Mary Sullivan, Turgeon, Vachon,  
Wagner, Roger Wallace, Robert Wheeler, Winn  
and Zajdel.

MERRIMACK: Chynoweth, Samuel Clark,  
Daniell, Degnan, LaBranche, Mercier,  
Pannell, Savaria and Wallner.

ROCKINGHAM: Bangs, Belanger, Blanchard,  
Blanchette, William Boucher, Carpenito,  
Case, Connors, Cotton, Cressy, Greene, John  
Hynes, Kozacka, Krasker, Leslie, Newman,  
Pantelakos, Pevear, Popov, Rosencrantz and  
Splaine.

STRAFFORD: Banks, Belhumeur, Bernard,  
Blouin, Chagnon, Couture, Demers, Dingle,  
Albert Dionne, Donnelly, Fielding, Flynn,  
Hennessey, Hussey, Kincaid, Lussier, Pelley,  
Arnold Peters, Schreiher and Timm.

SULLIVAN: Brodeur, Carlson, Converse,  
D'Amante, Irwin, Paul Johnson and Susan  
Lawrence, and SB 46 was ordered to third  
reading.

#### RECONSIDERATION

Rep. Sara Townsend moved that the House  
reconsider its action whereby it passed SB  
46, establishing a division for children and  
youth services and making an appropriation  
therefor.

Reconsideration lost.

#### COMMUNICATION

Mr. Carl Peterson  
House Clerk

Dear Mr. Peterson:

At a special election held June 14,  
1983, Constance M. Mehegan was elected  
Representative to the General Court to  
represent Sullivan County District No. 3.

Sincerely,  
William M. Gardner  
Secretary of State.

Rep. Rounds moved that the House now  
adjourn from the early session, that the  
business of the late session be in order at  
the present time, that the reading of bills  
be by title only and resolutions by caption  
only and that all bills ordered to third  
reading be read a third time by this  
resolution, and that all titles of bills be  
the same as adopted, and that they be passed  
at the present time, and when the House  
adjourn today it be to meet Thursday, June  
16 at 1:00 p.m. for the purpose of Enrolled  
Bills Amendments and Enrolling Reports only.  
Adopted.

#### LATE SESSION

Third reading and final passage

SB 46-FN, establishing a division for  
children and youth services and making an  
appropriation therefor.

HCR 11, establishing a committee to  
address the issue of visual pollution of New  
Hampshire's highways.

Rep. Rounds moved that the House stand  
in recess.  
Adopted.

The House recessed at 5:44 p.m.

RECESS

(Speaker Pro Tem in the Chair)

Rep. Ingram moved that the House adjourn.  
Adopted.

# HOUSE JOURNAL 33

*Thursday, 16 Jun 83*

The House assembled at 1:00 p.m., and was called to order by the Speaker Pro Tem.

Prayer was offered by Rep. Warburton.

Day by day, dear Lord, of Thee three things we pray: To see Thee more clearly, Love Thee more dearly, Follow Thee more nearly, day by day. Amen.

Rep. Fields led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Bowes, Zimmerman, Chisholm, Waldron, Stimmell, Case, Wagner, Hennessey and Nichols, the day, illness.

Reps. Newell, Glenden Kelly, Longworth, Mann, Skinner, David Meader, Parrish, Ware, Robert Kelley, Duffett, Van Loan, Gerald L. Smith, Michael Jones, Gerald R. Smith, Simon, Michaelides, Hickey, Lucille Wood, John Hynes and Stevens, the day, important business.

## RECESS

(Speaker in the Chair)

## ENROLLED BILLS AMENDMENTS

HB 379, to require sticker prices on trucks.

### Amendment

Amend section 1 of the bill by striking out line 1 and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 357-D the

Amend the bill by striking out all references to chapter 357-D and inserting in place thereof the following:

### CHAPTER 357-E

357-E:1 Definitions. As used in this chapter:

357-E:2 Label Required. Every manufacturer or distributor of new

357-E:3 Exclusions. In the event that a motor vehicle dealer purchases

357-E:4 Penalties.

Amend RSA 357-E:3 by striking out line 3 and inserting in place thereof the following:

distributor of such truck, the provisions of RSA 357-E:2 shall not apply

Amend RSA 357-E:4, I by striking out line 2 and inserting in place thereof the following:

any new truck the label required by RSA 357-E:2 shall be guilty of a

Amend RSA 357-E:4, II by striking out line 2 and inserting in place thereof the following:

clearly, distinctly and legibly and label as required by RSA 357-E:2 or who

Amend RSA 357-E:4, III by striking out line 2 and inserting in place thereof the following:

any label affixed to a new truck pursuant to RSA 357-E:2, or any

House Bill 80, 1983 Chapter 58 inserted RSA 357-D, consequently the RSA references in this bill have been changed to RSA 357-E. Adopted.

HB 45, relative to driving while intoxicated.

### Amendment

Amend section 23 of the bill by striking out same and inserting in place thereof the following:

23 Consolidation of Provisions. The director of legislative services is authorized to consolidate and integrate the changes in RSA sections made in this act with the changes in the same RSA sections made by all other acts of the 1983 session of the general court which become law. Such authority shall be subject to the approval of the president of the senate and the speaker of the house, shall not include the power to make any substantive change and shall expire upon printing of the 1983 session laws.

24 Effective Date.

I. Sections 1 and 5 of this act shall take effect on January 1, 1984.

II. The remainder of this act shall take effect 60 days after its passage.

This amendment allows all complementary changes to RSA sections to be integrated into comprehensive and cohesive units. Adopted.

HB 105-FN, relative to sunset review of state treasury - administration.

### Amendment

Amend the bill by striking out section 17 and inserting in place thereof the following:



17 Percentage Charge Possible. Amend RSA 6:11-a, I as inserted by section 4 of this act by striking out said paragraph and inserting in place thereof the following:

I. Any check, draft or money order received by any state department or institution for the payment of a fee, license or product which is returned to the state department or institution as uncollectible may be returned to the sender and not deposited with the state treasurer. Whenever any check, draft or money order issued in payment of any fee or for any other purpose is returned to any state department or institution as uncollectible, the department or institution shall charge a fee of \$10, or 5 percent of the face amount of the check, whichever is the greater, plus all protest and bank fees, in addition to the amount of the check, draft or money order to the person presenting the check, draft or money order to the department or institution to cover the costs of collection.

#### 18 Conditions.

I. If HB 394-FN, "An Act amending various provisions of the motor vehicle laws," of the 1983 regular session of the general court becomes law:

(a) Section 1 of HB 394-FN shall be null and void and of no effect;

(b) RSA 6:11-a, I as inserted by section 4 of this act shall be null and void and of no effect; and

(c) RSA 6:11-a, I as inserted by section 17 of this act shall take effect.

II. If HB 394-FN of the 1983 regular session of the general court does not become law, section 17 of this act shall be null and void and of no effect.

19 Effective Date. This act shall take effect upon its passage.

This amendment incorporates a change in RSA 6:11-a inserted by HB 394 and makes the effectiveness of such provision in this act contingent on the passage of HB 394.

Adopted.

HB 127-FN, relative to sunset review of the higher education fund - U.N.H. system administration.

#### Amendment

Amend section 6 of the bill by striking out lines 1 and 2 and inserting in place thereof the following:

6 Authority. Amend RSA 187-A:16 (supp) as inserted by 1981, 331:1 as amended by striking out said section and inserting in place thereof the following:

This amendment corrects the amending language to reflect the fact that SB 99, which passed in the 1983 session, has already amended RSA 187-A:16.

Adopted.

HB 145-FN, relative to sunset review of the labor department - inspection division.

#### Amendment

Amend section 6 of the bill by striking out lines 1 and 2 and inserting in place thereof the following:

6 Fees Raised. Amend RSA 157-A:7, II as inserted by 1967, 236:1 by striking out said paragraph and inserting in place thereof the

Amend section 14 of the bill by striking out same and inserting in place thereof the following:

14 New Subparagraph. Amend RSA 6:12, I by inserting after subparagraph (q) the following new subparagraph:

(r) Moneys received under RSA 157-A and 157-B, which shall be credited to the boiler and elevator inspection fund established by RSA 157-A:14.

Amend section 16 of the bill by striking out same and inserting in place thereof the following:

16 Consolidation of Provisions. The director of legislative services is authorized to consolidate and integrate the changes in RSA 6:12 made in this act with the changes in RSA 6:12 made by all other acts of the 1983 session of the general court which become law. Such authority shall be subject to the approval of the president of the senate and the speaker of the house, shall not include the power to make any substantive change and shall expire upon printing of the 1983 session laws.

17 Effective Date. This act shall take effect July 1, 1983.

This amendment corrects an error in amending language, amends the section which amends RSA 6:12, and inserts a new section to assure that duplicate subparagraph enumeration does not occur in RSA 6:12 which is amended by several bills.

Adopted.

HB 156-FN, relative to sunset review of the department of resources and economic development - administration and support.

#### Amendment

Amend RSA 215-A:3, V as inserted by section 12 of the bill by striking out line 2 and inserting in place thereof the following:

make suggestions concerning RSA 215-A:3-a and such rules as he feels may be

Amend RSA 12-A:1-e, III as inserted by section 20 of the bill by striking out line 2 and inserting in place thereof the following:

appointed by the New Hampshire Travel Council, and the commissioner

This amendment corrects a grammatical error in section 12 and the title of the New

Hampshire Travel Council in RSA 12-A:1-e as inserted by section 20 of the bill.  
Adopted.

HB 219-FN, establishing the ward lines for the city of Portsmouth and amending the Portsmouth city charter.

#### Amendment

Amend 1895, 183:1 as inserted by section 1 of the bill by striking out line 7 in ward 2 and inserting in place thereof the following:

of Miller avenue and South street; thence westerly along South street to

This amendment corrects the name of Miller avenue in one place in the bill.  
Adopted.

#### SENATE MESSAGES CONCURRENCE WITH AMENDMENT

SB 46, establishing a division for children and youth services and making an appropriation therefor and establishing a department of administrative services.

#### CONCURRENCE

HCR 11, establishing a committee to study the issue of visual pollution of New Hampshire's highways.

#### INTRODUCTION OF GUESTS

4th grade class from the Carpenter School in Wolfeboro and their teachers, Mrs. Coupland and Mrs. Trembley, guests of Rep. Kenneth MacDonald; Mr. and Mrs. Samuel Comstock, guests of Rep. William Riley; Sharon Heath and Thatcher Cook, wife and guest of Rep. Heath; Mr. William Arnold and Mr. and Mrs. Raymond Arnold, husband and family of Rep. Arnold; Ms. Deborah Bell, daughter of House Chaplain, Rev. David W. Bell; Joseph Cain, guest of Rep. Mercier; Tim Robinson, son of Rep. Ellen-Ann Robinson; Robert Burns, son of Rep. Leslie Burns.

(Speaker Pro Tem in the Chair)

#### COMMITTEE OF CONFERENCE REPORT ON HB 500

HB 500, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1984, and June 30, 1985.

The Committee was unable to reach agreement.

Rep. Tucker spoke to the report.

(Speaker in the Chair)

Rep. Rounds moved that the Committee of Conference be discharged and a new Committee of Conference be appointed.

Reps. Spirou and Rounds spoke in favor of the motion.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 297 NAYS 5  
YEAS 297

BELKNAP: Birch, Bowler, Dexter, Gary Dionne, French, Golden, Robert Hawkins, Holbrook, Lamprey, Matthew Locke, Nighswander, Pearson, Randall, David Whittemore and Zeckhausen.

CARROLL: Ashnault, Chandler, Chase, Heath, Robert Holmes, Hraba, Kenneth MacDonald, Murphy, Powers and Saunders.

CHESHIRE: Barber, Boulter, Crane, Davis, Daniel Eaton, Gordon, Grodin, Lane, Matson, Morse, Parker, Perkins, Perry, Margaret Ramsay, William Riley and Scranton.

COOS: Brideau, Harold Burns, Chardon, Coulombe, Guay, Horton, David King, Langley, George Lemire, Oleson and Valliere.

CRAFTON: Blair, Chambers, Christy, Copenhaver, Crory, Densmore, Downing, Driscoll, Easton, Girouard, Hutchings, Wayne King, LaMott, Logan, McAvoy, Rounds, Stewart, Taffe, John Townsend, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Abrams, Debora Ahern, Richard Ahern, Ahrens, Arnold, Arris, Baker, Bass, Bergeron, Bolan, Burkush, John Burns, Leslie Burns, Carragher, Charbonneau, Cote, Craig, Cronin, William Dion, Donovan, Duprey, Durant, Joseph Eaton, Fields, Ford, Gagnon, Harrington, George Hawkins, Head, Daniel Healy, Walter Healy, Hendrick, Humphrey, Thomas Hynes, Jean, Kaklamanos, Kashulines, Katsiaficas, Keefe, Knight, John Lawrence, Leclerc, Lefebvre, Levesque, Lyons, Martineau, Howard Mason, McGlynn, Migneault, Morrisette, Nelson, Nickerson, Nute, O'Rourke, Parmenter, Marjorie Peters, Pressly, Quinn, Raiche, Reidy, Resch, Robie, Ellen-Ann Robinson, Roy, Russell, Sallada, Silva, B. P. Smith, Leonard Smith, Soucy, Spirou, Steiner, Stylianos, James Sullivan, Mary Sullivan, Sylvia, Talbot, Tamposi, Turgeon, Roger Wallace, Geraldine Watson, Harold Watson, Wells, Emma Wheeler, Kenneth Wheeler, Robert Wheeler, Eleanor Whittemore, Winn and Zajdel.

MERRIMACK: Allgeyer, Anderson, Bardsley, Bibbo, Laurent Boucher, Cate, Chynoweth, Samuel Clark, Daniell, Dean, Degnan, Gross, Mary Holmes, Jacobson, Kidder, LaBranche, Arthur Locke, McDonnell, Mercier, Pannell, Phelps, William Roberts, Walter Robinson, Rogers, Savaria, Shepard, Stark, Stio, Wallner and James Whittemore.

ROCKINGHAM: Ames, Bangs, Belanger, Beliveau, Benton, Blaisdell, Blake, Blanchard, William Boucher, Burdick, Butler, Campbell, Carpenito, Connors, Cotton, Cressy, Day, Ellyson, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Greene, Hollingworth, Joslyn, Kane, Katsakiores, Roger King, Kozacka, Krasker, Leslie, Lovejoy, Joseph MacDonald, Mace, Malcolm, Robert Mason, McLane, William Moore, Nagel, Newman, Palumbo, Parr, Pevear, Popov, Quimby, Romoli, Rosencrantz, Scamman,

Schmidtchen, Schwaner, Sherburne, Sloan, Sochalski, Splaine, Stork, Sytek, Tavitian, Tufts, Vartanian, Walker, Warburton, Webster, Raymond Wood and Woodward.

STRAFFORD: Appleby, Banks, Belhumeur, Bernard, Blouin, Bouchard, Chagnon, Couture, Demers, Dingle, Albert Dionne, Donnelly, Fielding, Flynn, Robert Jones, Joos, Kincaid, Lussier, Paul Meader, Pelley, Francis Robinson, Sackett, Schreiber, Timm and Franklin Torr.

SULLIVAN: Brodeur, Carlson, Converse, Cutting, D'Amante, Flint, Gray, Ingram, Irwin, Paul Johnson, Palmer, Reney and Sara Townsend.

NAYS 5

BELKNAP: None.

CARROLL: None.

CHESHIRE: None.

COOS: None.

GRAFTON: None.

HILLSBOROUGH: Ahlgren, Labombarde and Vachon.

MERRIMACK: None.

ROCKINGHAM: LoFranco.

STRAFFORD: Hussey.

SULLIVAN: None, and the motion was adopted.

The Speaker appointed Reps. Tucker, Rounds, Kidder, Sara Townsend and Margaret Ramsay.

#### PERSONAL PRIVILEGE

Rep. Chambers addressed the House by personal privilege.

#### SUSPENSION OF RULES

Rep. Spirou moved that all Joint Rules pertaining to the reporting date on HB 500, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1984, and June 30, 1985, be suspended, and spoke to his motion.

Rep. Rounds spoke in favor of the motion.

(Speaker Pro Tem in the Chair)

Reps. Scamman and Tucker spoke in favor of the motion.

The previous question was moved. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker Pro Tem presiding)

YEAS 300 NAYS 7

YEAS 300

BELKNAP: Birch, Bowler, Dexter, Golden, Robert Hawkins, Holbrook, Lamprey, Matthew Locke, Nighswander, Pearson, Randall, David Whittemore and Zeckhausen.

CARROLL: Ashnault, Chandler, Chase, Heath, Robert Holmes, Hrabka, Kenneth MacDonald, Murphy, Powers and Saunders.

CHESHIRE: Barber, Boulter, Crane, Davis, Daniel Eaton, Gordon, Grodin, Lane, Matson, Morse, Parker, Perkins, Perry, Margaret Ramsay, William Riley and Scranton.

COOS: Brideau, Harold Burns, Chardon, Coulombe, Guay, Horton, David King, Langley, George Lemire, Oleson, Valliere and York.

GRAFTON: Blair, Chambers, Christy, Copenhaver, Crory, Densmore, Downing, Driscoll, Easton, Girouard, Harnish, Hutchings, Michael King, LaMott, Logan, McAvoy, Rounds, Stewart, Taffe, John Townsend, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Abrams, Debora Ahern, Richard Ahern, Ahlgren, Ahrens, Arnold, Arris, Baker, Bass, Bergeron, Bolan, Burkush, John Burns, Leslie Burns, Carragher, Charbonneau, Cote, Craig, Cronin, William Dion, Donovan, Duprey, Joseph Eaton, Fields, Ford, Gagnon, Galway, Grasso, Grip, Harrington, George Hawkins, Head, Daniel Healy, Walter Healy, Hendrick, Humphrey, Thomas Hynes, Jean, Kashulines, Katsiaficas, Keefe, Knight, John Lawrence, Leclerc, Lefebvre, Levesque, Lyons, Martineau, Howard Mason, McGlynn, Migneault, Morrisette, Nelson, Nickerson, Nute, O'Rourke, Parmenter, Marjorie Peters, Pressly, Quinn, Raiche, Reidy, Resch, Robie, Ellen-Ann Robinson, Roy, Russell, Sallada, Silva, B. P. Smith, Leonard Smith, Soucy, Spirou, Stylianos, James Sullivan, Mary Sullivan, Sylvia, Talbot, Tamposi, Turgeon, Vachon, Roger Wallace, Geraldine Watson, Harold Watson, Wells, Emma Wheeler, Kenneth Wheeler, Robert Wheeler, Eleanor Whittemore, Winn and Zajdel.

MERRIMACK: Allgeyer, Anderson, Bardsley, Bibbo, Laurent Boucher, Cate, Samuel Clark, Daniell, Dean, Degnan, Gross, Mary Holmes, Jacobson, Kidder, LaBranche, Arthur Locke, McDonnell, Mercier, Pannell, Phelps, William Roberts, Walter Robinson, Rogers, Savaria, Shepard, Stark, Stio, Wallner and James Whittemore.

ROCKINGHAM: Ames, Bangs, Belanger, Beliveau, Blaisdell, Blake, Blanchard, William Boucher, Burdick, Butler, Campbell, Carpenito, Connors, Cotton, Cressy, Day, Ellyson, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Greene, Hollingworth, Joslyn, Kane, Katsakiores, Roger King, Kozacka, Krasker, Leslie, LoFranco, Lovejoy, Joseph MacDonald, Mace, Malcolm, Robert Mason, McLane, William Moore, Nagel, Palumbo, Parr, Pevear, Popov, Quimby, Romoli, Rosencrantz, Scamman, Schmidtchen, Schwaner, Sherburne, Sloan, Sochalski, Splaine, Stork, Sytek, Tavitian, Tufts, Vartanian, Walker, Warburton, Webster, Raymond Wood and Woodward.

STRAFFORD: Appleby, Banks, Belhumeur, Bernard, Blouin, Bouchard, Chagnon, Couture, Demers, Dingle, Albert Dionne, Donnelly, Fielding, Flynn, Hussey, Robert Jones, Joos,

Kincaid, Lussier, Paul Meader, Pelley, Francis Robinson, Sackett, Schreiber, Timm and Franklin Torr.

SULLIVAN: Brodeur, Carlson, Converse, Cutting, D'Amante, Flint, Gray, Ingram, Irwin, Paul Johnson, Susan Lawrence, Palmer, Reney, Sara Townsend and Tucker.

#### NAYS 7

BELKNAP: Gary Dionne.

CARROLL: None.

CHESHIRE: None.

COOS: None.

CRAFTON: Wayne King.

HILLSBOROUGH: Durant, Kaklamanos and Labombarde.

MERRIMACK: Chynoweth.

ROCKINGHAM: Newman.

STRAFFORD: None.

SULLIVAN: None, and the motion was adopted by the necessary two-thirds.

(Speaker in the Chair)

Rep. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourn today it be to meet Tuesday, June 21st at 2:00 p.m.

Adopted.

#### LATE SESSION

Rep. Rounds moved that the House stand in recess for the purpose of Enrolled Bills Amendments and Enrolled Bills Reports only.

Adopted.

#### RECESS

(Rep. Russell in the Chair)

Rep. Steiner moved that all Enrolled Bills Amendments in our possession be passed at the present time.

Adopted.

#### ENROLLED BILLS AMENDMENTS

HB 225-FN, relative to apple marketing.

#### Amendment

Amend RSA 341-A:15, I as inserted by section 2 of the bill by striking out line 2 and inserting in place thereof the following:

RSA 341-A:20, to advise the commission on matters relating to this

Amend the bill by striking out sections 3 and 4 and inserting in place thereof the following:

3 Application of Receipts. Amend RSA 6:12, I by inserting after subparagraph (q) the following new subparagraph:

(r) Money received under RSA 341-A:18, which shall be credited to the apple marketing account.

4 Consolidation of Provisions. The director of legislative services is authorized to consolidate and integrate the changes in RSA 6:12 made in this act with the changes in RSA 6:12 made by all other acts of the 1983 session of the general court which become law. Such authority shall be subject to the approval of the president of the senate and the speaker of the house, shall not include the power to make any substantive change and shall expire upon printing of the 1983 session laws.

5 Effective Date. This act shall take effect 60 days after its passage.

The first amendment corrects an internal reference.

The second amendment is necessary to avoid duplicate numbering of subparagraphs in RSA 6:12, I, because several bills which are pending amend this section by inserting new subparagraphs.

Adopted.

HB 273-FN, requiring presidential primary checklists to be deposited at the state archives and with the clerk of the federal district court and making certain other changes in the election laws.

#### Amendment

Amend RSA 654:28 as inserted by section 2 of the bill by striking out line 8 and inserting in place thereof the following:

shall be made after 6:00 p.m. Saturday 10 days prior to election day, except as

Amend section 13 of the bill by striking out same and inserting in place thereof the following:

13 Clarification of Office. Amend RSA 668:4 (supp) as inserted by 1979, 436:1 by inserting in line 4 after the words "United States representative," the following (executive) so that said section as amended shall read as follows:

668:4 Offices Voted For. The offices for which inhabitants of unorganized places are entitled to vote shall include: Electors of the president and vice-president of the United States, United States senator, United States representative, executive councilor, state senator, state representative, and county offices. The inhabitants of the unorganized places are not entitled to vote for any town or ward offices or on any questions concerning the towns in which they vote.

Amend RSA 660:7 as inserted by section 20 of the bill by striking out lines 11 and 12 and inserting in place thereof the following:

the applying candidate shall agree in

Amend the bill by striking out section 23 and inserting in place thereof the following:

23 Change in Time for Additions or Corrections to Checklist. Amend RSA 654:28 (supp) as inserted by 1979, 436:1 by striking out said section and inserting in place thereof the following:

654:28 Procedure. The supervisors of the checklist shall hear all applications for a correction of the checklist and the evidence submitted thereon and shall correct it according to their best knowledge so that it contains only the names of those persons qualified to vote at said election. The names of all persons not qualified to vote at the time of any session, but who shall clearly be qualified to vote on election day, may be added to the checklist at that session. Any session which is held on the Saturday 10 days prior to election day shall be held as a minimum requirement between 11:00 a.m. and 12:00 p.m. and at the discretion of the supervisor for additional hours. No additions or corrections shall be made after 6:00 p.m. on the session day which is held on the Saturday 10 days prior to election day, except as provided in RSA 659:12. The additions and corrections resulting from such sessions shall be made to the previously posted checklist on or before midnight on the succeeding Friday either by additions or corrections to said checklist or by posting a new corrected checklist. Notice of such additions or corrections to the checklist shall also be given to the town or city clerk.

24 Conditional Provision. If HB 426 of the 1983 regular session, "An Act amending certain checklist practices," becomes law, section 23 of this act shall take effect and section 2 of this act shall be null and void and of no effect. If HB 426 does not become law, section 23 of this act shall be null and void and of no effect.

25 Effective Date. This act shall take effect 60 days after its passage.

This amendment inserts a word omitted by typographical error, corrects an error in amending language and incorporates a change to RSA 660:7 made in 1983, 175:6.

It also adds a contingent provision relating to changes made in RSA 654:28 by HB 426.

Adopted.

HB 310-FN, relative to construction of the central New Hampshire turnpike and making an appropriation therefor.

#### Amendment

Amend the bill by striking out section 6 and inserting in place thereof the following:

6 Consolidation of Provisions. The director of legislative services is authorized to consolidate and integrate the changes in RSA sections made in this act with the changes in the same RSA sections made in this act with the changes in the same RSA sections made by all other acts of the 1983 session of the general court which become law. Such authority shall include the ability to make necessary cross reference changes in other sections of the same acts and shall be exercised only in conjunction with the legislative budget assistant. In addition, such authority shall be subject to the approval of the president of the senate and the speaker of the house, shall not include the power to make any substantive change and shall expire upon printing of the 1983 session laws.

7 Effective Date. This act shall take effect upon its passage.

This amendment eliminates possible duplication of numbering in the RSA and insures the proper integration of complementary materials in the statutes.

Adopted.

HB 341-FN, consolidating the office space study committee with the capital planning committee.

#### Amendment

Amend section 4 of the bill by striking out line 2 and inserting in place thereof the following:

inserting after chapter 17-L the following new chapter:

Amend the bill by striking out all references to chapter 17-L and inserting in place thereof the following:

#### CHAPTER 17-M

17-M:1 Committee Established. There is hereby established a committee

17-M:2 Powers and Duties.

17-M:3 Reports. The committee shall compile and issue the results of

Amend the bill by striking out section 7 and inserting in place thereof the following:

7 Contingency. If House Bill 1 of the 1983 regular session does not become law, all references to RSA 17-M in this act shall be changed to read RSA 17-L.

8 Effective Date. This act shall take effect 60 days after its passage.

This bill rennumbers the new RSA chapter, because HB 1 inserted RSA 17-L. If HB 1 does not become law, the chapter designation will be RSA 17-L.

Adopted.

HB 361, requiring the checklist used at any state election to include the full name, address, and political affiliation of each



voter, and allowing candidates to be nominated by more than one party under certain circumstances.

#### Amendment

Amend section 3 of the bill by striking out lines 3, 4, and 5 and inserting in place thereof the following:

law, sections 1 and 2 of that act are hereby repealed. If such act does not become law, this section and section 4 of this act shall be null and void and of no effect.

The amendment prevents two sections of RSA from having the same number.  
Adopted.

HB 366-FN, establishing a joint administrative rules committee.

#### Amendment

Amend RSA 541-A:3-a, II(c) as inserted by section 3 of the bill by striking out line 4 and inserting in place thereof the following:

president of the senate, to the speaker of the house of representatives, to

Amend RSA 541-A:11, I as inserted by section 8 of the bill by striking out line 8 and inserting in place thereof the following:

from the same party; and 5 members

Amend section 13 of the bill by striking out same and inserting in place thereof the following:

13 Conditional Authority. If HB 657 of the 1983 regular session, "An Act relative to the administrative procedures act," becomes law, the director of legislative services is authorized to consolidate RSA provisions, to renumber RSA provisions and to correct cross references in the provisions of RSA 541-A as made necessary by the passage of HB 657 and this act. Such authority shall be subject to the approval of the president of the senate and the speaker of the house, shall not include the power to make any substantive change and shall expire upon printing of the 1983 session laws.

14 Effective Date. This act shall take effect 60 days after its passage.

This amendment corrects a stylistic error and deletes some redundant words. The amendment also inserts a conditional authority section which permits the consolidation and renumbering of RSA 541-A provisions if HB 657 becomes law.

Adopted.

HB 394-FN, amending various provisions of the motor vehicle laws.

#### Amendment

Amend section 4 of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

III as inserted by 1981, 146:1 as amended by striking out said paragraph and inserting in place thereof the following:

Amend section 9 of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

by striking out said section and inserting in place thereof the following:

Amend RSA 263:57 as inserted by section 9 of the bill by striking out line 3 and inserting in place thereof the following:

any person, for a period not to exceed 30 days, after a conviction of

Amend section 10 of the bill by striking out line 3 and inserting in place thereof the following:

thereof the following:

Amend section 12 of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

by striking out said section and inserting in place thereof the following:

Amend section 13 of the bill by striking out line 3 and inserting in place thereof the following:

following:

Amend section 14 of the bill by striking out lines 2-4 and inserting in place thereof the following:

146:1 as amended by striking out said section and inserting in place thereof the following:

Amend the bill by striking out section 20 and inserting in place thereof the following:

20 Possession of Out-of-State License Immaterial. Amend RSA 263:64 as inserted by 1981, 146:1 by striking out said section and inserting in place thereof the following:

263:64 Driving After Revocation or Suspension.

I. No person shall drive a motor vehicle in this state after the director or the justice of any court has suspended or revoked his license to drive or after his driving privilege has been so suspended or revoked.

II. A person who drives a motor vehicle in this state after his license or driving privilege has been suspended or revoked shall be guilty of violating this section regardless of whether such person has a license on the effective date of such suspension or revocation. Evidence that the notice of suspension or revocation was sent to the person's last known address as shown on the records of the division shall be prima facie evidence that the person was notified of the suspension or revocation.

III. A person who obtains or possesses an out-of-state license after his

New Hampshire license or driving privilege has been revoked does not revive his driving privilege by having such out-of-state license, and such person shall be guilty of violating this section if he drives in the state while his New Hampshire license or driving privilege is suspended or revoked.

IV. Any person who violates the provisions of this section shall be guilty of a misdemeanor.

21 Conditional Provision. If HB 215 of the 1983 regular session, "An Act relative to driving after suspension or revocation," becomes law, section 20 of this act shall take effect and section 10 of this act shall be null and void and of no effect. If HB 215 does not become law, section 20 of this act shall be null and void and of no effect and section 10 of this act shall take effect.

#### 22 Effective Date.

I. Section 15 of this act shall take effect January 1, 1983.

II. The remainder of this act shall take effect 60 days after its passage.

This amendment corrects a typographical error and errors in amending language. This amendment also inserts a conditional provision which provides for the enactment of a consolidated version of RSA 263:64 if HB 215 becomes law.

Adopted.

HB 400, making appropriations for capital improvements and relative to including the university of New Hampshire, Plymouth state college and Keene state college in the definition of an institution for postsecondary or higher education for certain purposes relative to the New Hampshire higher educational and health facilities authority.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

making appropriations for capital improvements and amending the definition for an institution for postsecondary or higher education, life-care facilities and nursing homes under the provisions of the higher educational and health facilities authority.

This amendment incorporates reference to the contents of the bill in the title.  
Adopted.

HB 430-FN, providing filing fees for the construction or reconstruction of dams and making an appropriation therefor.

#### Amendment

Amend the bill by striking out section 6 and inserting in place thereof the following:

6 Contingency Provision. The director of legislative services is hereby authorized, with the approval of the speaker

of the house and the president of the senate, to make changes in the printed version of this act as enacted by the 1983 regular session of the general court that may be necessary for the purpose of conforming the numbering of paragraphs inserted by this act to the language of other 1983 acts, providing that no substantive changes may thereby be made. Such authority shall expire upon the printing of the 1983 regular session laws.

7 Effective Date. This act shall take effect upon its passage.

This amendment adds a contingency provision section to the bill.

Adopted.

HB 431-FN, relative to excavating and dredging permits and the wetlands board.

#### Amendment

Amend the bill by striking out line 1 of section 1 and inserting in place thereof the following:

1 Permit. Amend RSA 483-A:1, I (supp) as inserted by 1978, 53:2 as

This amendment corrects an error in amending language.

Adopted.

HB 460, amending the truck weight and size laws to conform to federal requirements.

#### Amendment

Amend RSA 266:18, III as inserted by section 15 of the bill by striking out line 5 and inserting in place thereof the following:

the flange or rim shall be driven upon any way.

This amendment corrects a grammatical error.

Adopted.

HB 465, relative to proceedings before the water resources board and providing a town to expend funds for the purpose of repairs to privately owned dams or dams owned by a village district.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to proceedings before the water resources board.

Amend the bill by striking out section 3 and renumbering section 4 to read as 3.

The amendments are necessary because RSA 31:4 was amended by 1983, 187:1 so that towns may appropriate money for any purpose for which a municipality may act if the

appropriation is not prohibited by the laws or constitution of this state. The purpose specified in the paragraph which section 3 of this bill inserts is not prohibited by statute or by the constitution.

Adopted.

HB 496-FN, creating a judicial compensation commission and relative to the continuance of part time district courts.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to the continuance of part time district courts.

This amendment corrects the title so that it accurately reflects the bill's contents.

Adopted.

HB 512, relative to clarification of certain terms regarding school children.

#### Amendment

Amend section 3 of the bill by striking out lines 2-5 and inserting in place thereof the following:

1981, 326:1 as amended by striking out said paragraph and inserting in place thereof the following:

This amendment corrects an error in the amending language.

Adopted.

HB 521-FN, regulating rental referral agencies, health clubs, buying clubs and relative to real estate brokers licenses.

#### Amendment

Amend RSA 358-H:3, II(d) as inserted by section 1 of the bill by striking out line 2 and inserting in place thereof the following:

in compliance with RSA 358-H:8 and identifying the bonding company.

This amendment corrects a cross reference.

Adopted.

HB 523-FN, amending the meals and rooms tax and certain powers of the collections division of the department of revenue administration.

#### Amendment

Amend section 5 of the bill by striking out line 2 and inserting in place thereof the following:

1969, 287:25 as amended by striking out said paragraph and inserting in

Amend section 6 of the bill by striking out line 3 and inserting in place thereof the following:

II. Sections 2, 3, 4 and 5 of this act shall take effect July 1, 1983.

This amendment corrects amending language and reinserts an omitted section number in the effective date section.

Adopted.

HB 546-FN, increasing the uncontested special session fee for probate judges.

#### Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Payment by State; Contingency. If House Bill 200 of the 1983 regular session, "An Act creating a state funded unified court system and making an appropriation therefor" becomes law, RSA 547:23 shall be amended as follows:

547:23 Contested and Special Sessions. Whenever the judge, at the request of the parties, shall attend an uncontested hearing, on days other than those fixed by the statute as the legal days for the sitting of the probate court, he may be allowed \$20 for his service, plus his expenses. In the case of a contested hearing, he shall be allowed the same per diem compensation for his service as is generally allowed to masters by the superior court plus his reasonable expenses. Such compensation and expenses shall be paid by the party applying for the hearing unless the judge orders otherwise. If the parties are indigent, the court, in its discretion, may assess such charges against the state.

#### 3 Effective Date.

I. Section 1 of this act shall take effect 60 days after its passage.

II. Section 2 of this act shall take effect on January 1, 1984 at 12:01 a.m.

The amendment conforms RSA 547:23 to the changes made in that section in HB 200, section 51, contingent upon HB 200's becoming law.

Adopted.

HB 550-FN, relative to apportionment, assessment and abatement of taxes.

#### Amendment

Amend section 1 of the bill by striking out same and inserting in place thereof the following:

#### 1 Selectmen's Lists and Warrants.

Amend RSA 76:10 as amended by striking out said section and inserting in place thereof the following:

76:10 Selectmen's Lists and Warrant. A list of all property taxes by them assessed shall be made by the selectmen under their hands, with a warrant under their hands and seal. The list shall be directed to the collector of such town, requiring him to collect the same, and to pay to the

treasurer such sums and at such times as may be therein prescribed. The selectmen shall assess such taxes to the owner as of April 1, or to the current owner, if known. The selectmen of a town or the board of assessors of a city may round off to the nearest dollar the total tax due on each parcel appearing on the list.

Amend RSA 76:15-a as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

76:15-a Semi-Annual Collection of Taxes in Certain Towns and Cities.

I. Taxes shall be collected in the following manner in towns and cities which adopt the provisions of this section in the manner set out in RSA 76:15-b. A partial payment of the taxes assessed on April 1 in any tax year shall be computed by taking the prior year's assessed valuation times 1/2 of the previous year's tax rate; provided, however, that whenever it shall appear to the selectmen or assessors that certain individual properties have physically changed in valuation, they may use the current year's appraisal times 1/2 the previous year's tax rate to compute the partial payment.

II. For the purposes of this section, the lists of assessed property shall be committed by the selectmen with a warrant under their hands and seal directed to the collector of such town no later than May 15. The collector shall mail all the bills for this partial payment no later than June 15. Partial payment of taxes assessed under this section shall be due and payable on July 1. The collector shall receive such payments, give a receipt therefor, and credit the amount paid toward the amount of the taxes eventually assessed against the property, in the same manner as prepayments under RSA 80:52-a. A payment of the remainder of the taxes assessed April 1, minus the payment due on July 1 of that year, shall be due and payable December 1. Interest charged on all taxes not paid on or before the date they are due shall be as prescribed in RSA 76:13, except that, when bills for the partial payment under this section are mailed on or after June 1, interest shall not be charged until 30 days after the last bill is mailed. This amendment integrates the change to RSA 76:15-a made by HB 591 (now 1983, 157:1) into RSA 76:15-a as amended by this bill, as well as the change to RSA 76:10 made by HB 593 (now 1983, 158:1) into this bill.

This amendment integrates the change to RSA 76:15-a made by HB 591 (now 1983, 157:1) into RSA 76:15-a as amended by this bill, as well as the change to RSA 76:10 made by HB 593 (now 1983, 158:1) into this bill.

Adopted.

HB 567, relative to service station dealers.

#### Amendment

Amend RSA 339-C:19, I as inserted by section 2 of the bill by striking out lines

4-7 and inserting in place thereof the following:

(a) The proposed purchaser, transferee or assignee:

(1) Has less business experience and training than that normally required by the supplier of prospective dealers;

(2) Has fewer financial resources than those normally required;

This amendment corrects 2 grammatical errors.

Adopted.

HB 572-FN, creating a uniform interest rate penalty for the late filing of tax returns, and amending exceptions to the penalty for the underpayment of estimated tax.

#### Amendment

Amend section 5 of the bill by striking out line 3 and inserting in place thereof the following:

said paragraph and inserting in place thereof the following:

Amend section 10 of the bill by striking out lines 1-3 and inserting in place thereof the following:

10 Franchise Tax Interest; Change in Rate. Amend RSA 83-B:18 (supp) as inserted by 1959, 86:1 as amended by striking out said section and inserting in place thereof the following:

This amendment corrects the amending language in sections 5 and 10 of the bill.

Adopted.

HB 575, withdrawing home office protection under the branch banking law from banks which are affiliates of bank holding companies and relative to the language available for inclusion in savings bank names.

#### Amendment

Amend section one of the bill by striking out line 2 and inserting in place thereof the following:

Protection. Amend RSA 384-B:2, I as inserted by 1963, 188:1 as

This amendment corrects amending language.

Adopted.

HB 617-FN, relative to employee benefits after his employer's withdrawal from the retirement system.

#### Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Certification by Employer Withdrawing from System. Amend RSA 100-A:43 (supp) as inserted by 1977, 262:1 by striking out said section and inserting in place thereof the following:

100-A:43 Withdrawal Authorized. Notwithstanding any governing board, or authority which, pursuant to RSA 100:29 or 30, RSA 100:49 or 50 or any governing board or authority which, pursuant to RSA 100-A:20 or RSA 100-A:29 or 30, elected to have its officers and employees become eligible to participate under the respective systems, such officers and employees are hereby authorized to withdraw from the retirement system on the next anniversary date of their participation provided notice is filed with the board of trustees, on a form prescribed by the board, no less than 120 days prior to the withdrawal date. The right of an employer to withdraw from the retirement system under this section shall be subject to the condition that prior to withdrawal, the employer shall present to the board of trustees a certified report from an enrolled actuary which states that the alternative benefits which shall be provided to its employees shall be at least equal to the benefits which the employees currently receive from the retirement system; provided, however, that an employer which has an established unfunded accrued liability at the time which it elects to withdraw from the retirement system under this section, and whose officers and employees have elected to and are receiving retirement benefits or have filed for a vested deferred retirement allowance, shall pay the balance of the unfunded accrued liability on a prorated basis as determined by the retirement system actuary for any such officers or employees.

3 Contingency Provision. In the event that HB 684-FN, An Act relative to responsibility for the payment of accrued liability by political subdivisions and certain specialized schools which withdraw from the retirement system, becomes law, the provisions of section 2 of this act shall take effect, and the provisions of section 1 of this act shall be null and void. In the event that HB 684-FN does not become law, the provisions of section 2 of this act shall have no force or effect.

4 Effective Date. This act shall take effect July 1, 1983, at 12:01 a.m.

This amendment adds a new section and a contingency provision to HB 617-FN.  
Adopted.

HB 626-FN, permitting deductions for qualified charitable and research contributions from the business profits tax.

#### Amendment

Amend the bill by striking out section 3 and inserting in place thereof the following:

3 Consolidation of Provisions. The director of legislative services is authorized to consolidate and integrate the changes in RSA 77-A:4 made in section 2 of this act with the changes in RSA 77-A:4 made

by all other acts of the 1983 session of the general court which become law. Such authority shall be subject to the approval of the president of the senate and the speaker of the house, shall not include the power to make any substantive change and shall expire upon printing of the 1983 session laws.

4 Effective Date. This act shall apply to returns and taxes due on account of taxable periods ending after June 30, 1983.

The amendment is necessary because at least one bill awaiting the governor's action amends RSA 77-A:4 by adding new paragraphs, and if that bill becomes law, the paragraph added by section 2 of this bill would have to be renumbered.

Adopted.

HB 630, relative to changes in the construction clause of the law against discrimination and relative to the computation of back pay in cases of discrimination.

#### Amendment

Amend section 2 of the bill by striking out lines one and 2 and inserting in place thereof the following:

2 Computation of Back Pay. Amend RSA 354-A:9, II by inserting between the present unnumbered fourth paragraph and the

This amendment corrects amending language.

Adopted.

HB 648-FN, relative to smoke detectors in rental units.

#### Amendment

Amend RSA 153:1, IX-a as inserted by section 1 of the bill by striking out line 6 and inserting in place thereof the following: of another, and single family dwellings, so

This amendment deletes a paragraph reference for the definition of "single family dwellings" to avoid error in case SB 37 becomes law.

Adopted.

HB 650-FN, relative to court procedures, the select commission to examine a unified court system, Hillsborough county court facilities, judicial service increments, and an additional probate judge.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

relative to court procedures, the select commission to examine a unified court system, Hillsborough county court facilities and nonjudicial employee retirement.



Amend section one of the bill by striking out line one and inserting in place thereof the following:

1 Increase Concurrent Jurisdictional Amount. Amend RSA 502-A:14, I (supp)

Amend paragraph VII of section 24 of the bill by striking out same and inserting in place thereof the following:

VII. Section 9 of this act shall take effect December 31, 1982, at 12:59 p.m.

VIII. The remainder of this act shall take effect January 1, 1984.

This amendment corrects the title, corrects amending language, and corrects a problem in the effective date section relating to RSA 502-A:19-b which was also amended by HB 200.

Adopted.

HB 657, relative to the administrative procedures act.

#### Amendment

Amend line one of RSA 541-A:1, X as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

X. "Party" means each person or agency named or admitted as a

Amend line one of RSA 541-A:1, XI as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

XI. "Person" means any individual, partnership, corporation,

Amend line 10 of RSA 541-A:1, XIII as inserted by section 2 of the bill by striking out same and inserting in place thereof the following:

explanatory material which refers to a statute or rule without affecting its

Amend line 6 of RSA 541-A:1-a, I as inserted by section 3 of the bill by striking out same and inserting in place thereof the following:

he shall issue an order specifying the date of termination of a suspension.

Amend line 4 of section 5 of the bill by striking out same and inserting in place thereof the following:

"Rule" as defined in RSA 541-A:1, XIII, does not

This amendment makes a definitional phraseology consistent and corrects grammatical errors.

Adopted.

HB 658, relative to special education for certain minors and children.

#### Amendment

Amend section 3 of the bill by striking out line 4 and inserting in place thereof the following:

169-D:18 Disposition of Educationally Handicapped Child. At any point

Amend section 3 of the bill by striking out line 9 and inserting in place thereof the following:

already been determined to be educationally handicapped, of directing the

The amendments correct typographical errors.

Adopted.

HB 727-FN, relative to fees for criminal record checks and for private detectives and security guard services.

#### Amendment

Amend RSA 106-F:2 as inserted by section 2 of the bill by striking out line 7 and inserting in place thereof the following:

by and performing as officers of their respective law enforcement

This amendment deletes an incorrectly inserted word.

Adopted.

HB 734-FN, to require reporting of certain nuclear accidents to state and local authorities.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

to require reporting of certain nuclear accidents.

This amendment corrects the title of the bill.

Adopted.

HB 744-FN, establishing a department of corrections.

#### Amendment

Amend the bill by striking out section 35 and inserting in place thereof the following:

35 Reference Change Authorized. In the event that House Bill 1 of the 1983 regular session of the general court, the executive branch reorganization act of 1983, becomes law, all references to RSA 21-6 in this act shall be deemed to refer to RSA 21-H. The director of legislative services is hereby authorized, with the approval of the speaker of the house and the president of the senate, to make these changes, provided that no substantive changes may thereby be made.

36 Effective Date. This act shall take effect July 1, 1983.

Amend line 1 of section 33 of the bill by striking out same and inserting in place thereof the following:

33 Superintendent's Duties. Amend RSA 621:12 (supp) as amended by striking

Amend the bill by renumbering sections 12-36 to read as

11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35, respectively.

This amendment authorizes the director of legislative services to change the chapter number to avoid chapter number duplication, corrects an error in amending language, and corrects an error in section numbers.

Adopted.

HB 753, to establish the incorporation of consumer cooperative associations with the state of New Hampshire.

#### Amendment

Amend RSA 301-A:6 as inserted by section 1 of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

seal of the state to the certificate of organization. The certificate of organization shall then be returned to the association.

Amend RSA 301-A:7 as inserted by section 1 of the bill by striking out line 2 and inserting in place thereof the following:

formed under this chapter shall begin once the certificate of organization

Amend RSA 301-A:31, I as inserted by section 1 of the bill by striking out line 6 and inserting in place thereof the following:

certificate of organization at any time between December 1 of the

Amend RSA 301-A:36 as inserted by section 1 of the bill by striking out line 7 and inserting in place thereof the following:

organization shall be filed as required by RSA 301-A:5. The filing fee

This amendment corrects, in several instances, the term "certificate of incorporation" to read "certificate of organization" in order to conform to the provisions of RSA 301-A:5 as inserted by section 1 of the bill.

Adopted.

HB 761, relating to prepayment of consumer credit transactions and adopting the actuarial method for the computation of interest.

#### Amendment

Amend the bill by striking out section 2 and inserting in place thereof the following:

2 Condition. If House Bill 63 of the 1983 regular session becomes law, RSA 358-H:1, IX as inserted by section 1 of this act shall be amended to read as follows:

IX. "Goods" means any tangible goods, including manufactured housing as defined in RSA 31:118, which are used or bought primarily for a personal, family or household purpose. The term includes goods which are to become fixtures or which are to become incorporated into a structure. Goods shall not include money or choses in action or other intangible property.

3 Condition. If House Bill 521 of the 1983 regular session becomes law, all references to RSA 358-H in this act shall be deemed to be RSA 358-K. The director of legislative services is authorized to make such change in the printed version of the 1983 session laws. Such authority shall be subject to the approval of the president of the senate and the speaker of the house, shall not include the power to make any substantive change and shall expire upon printing of the 1983 session laws.

4 Effective Date. This act shall take effect 60 days after its passage.

This amendment changes the definition of "goods" contained in RSA 358-H:1, IX as inserted by section 1 of the bill to reflect the provisions of House Bill 63 which changes the term "mobile home" to "manufactured housing," on the condition that House Bill 63 becomes law. If House Bill 521 becomes law, the chapter number is allowed to be corrected.

Adopted.

HB 763-FN, relative to toxic substances in the workplace.

#### Amendment

Amend RSA 277-A:3, IV as inserted by section one of the bill by striking out line one and inserting in place thereof the following:

IV. "Material safety data sheet" means a written document prepared on a

Amend RSA 277-A:3, VIII as inserted by section one of the bill by striking out same and inserting in place thereof the following:

VIII. "Commissioner" means the commissioner of labor.

Amend RSA 277-A:4 as inserted by section one of the bill by striking out line 2 and inserting in place thereof the following:

purchase, manufacture, formulate, transport or distribute any toxic

Amend RSA 277-A:9 as inserted by section one of the bill by striking out line 2 and inserting in place thereof the following:

chapter shall be liable for a penalty of not more than \$2,500 for each such

These amendments correct various grammatical and technical errors.  
Adopted.

HB 827, providing military recruiters access to schools and to directory information.

#### Amendment

Amend the title of the bill by striking out same and inserting in place thereof the following:

#### AN ACT

providing military recruiters access to schools.

This amendment corrects the title of the bill.

Adopted.

HB 831, transferring the licensing of child care agencies from the division of welfare to the department of health and welfare.

#### Amendment

Amend section 3 of the bill by striking out line 5 and inserting in place thereof the following:

RSA 170-E:15; RSA 170-E:16; RSA 170-E:17; RSA 170-E:20.

Amend section 16 of the bill by striking out line 2 and inserting in place thereof the following:

out said section and inserting in place thereof the following:

This amendment corrects amending language and eliminates an appropriate reference.

Adopted.

SB 3, recodifying the state planning and zoning laws.

#### Amendment

Amend RSA 673:2, II(b) as inserted by section 1 of the bill by striking out line 5 and inserting in place thereof the following:

at the next regular town election pursuant to RSA 669:17. Thereafter, a

Amend RSA 674:37 as inserted by section 1 of the bill by striking out line 6 and inserting in place thereof the following:

board may designate, except as provided in RSA 676:18, II and III. The

Amend RSA 675:4, IV as inserted by section 1 of the bill by striking out line 3 and inserting in place thereof the following:

the same manner as provided in RSA 675:3, VII.

Amend RSA 676:12, IV as inserted by section 1 of the bill by striking out line 1 and inserting in place thereof the following:

III. The building inspector may be authorized by the local

This amendment corrects internal cross-references and a paragraph designation to reflect the provisions of House Bill 264, which has become law.

Adopted.

SB 6, relative to endangering the welfare of children.

#### Amendment

Amend section 3 of the bill by striking out line 2 and inserting in place thereof the following:

(supp) as inserted by 1977, 199:2 by striking out said paragraph and

This amendment corrects the amending language in section 3 of the bill by changing "section" to "paragraph."

Adopted.

SB 24-FN, relative to the off highway recreational vehicle laws.

#### Amendment

Amend RSA 215-A:1, XI as inserted by section 1 of the bill by striking out line 2 and inserting in place thereof the following:

RSA 271:20 which has been frozen over and is sufficient to

Amend section 5 of the bill by striking out line 2 and inserting in place thereof the following:

1981, 538:3 by striking out said section and inserting in place thereof

Amend RSA 215-A:6, VI as inserted by section 5 of the bill by striking out line 9 and inserting in place thereof the following:

misdemeanor for any subsequent offense.

Amend RSA 215-A:6, VII as inserted by section 5 of the bill by striking out line 5 and inserting in place thereof the following:

shall be guilty of a misdemeanor for any subsequent offense.

Amend RSA 215-A:6, X(d) as inserted by section 5 of the bill by striking out lines 1-3 and inserting in place thereof the following:

(d) The operator shall possess a valid motor vehicle operator's license; or, if said operator is age 12 or above, he shall have successfully completed the approved OHRV safety training course.

Amend section 7 of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

- as inserted by 1981, 538:3 as amended by striking out said paragraphs and inserting in place thereof the following:

Amend RSA 215-A:12, IV as inserted by section 7 of the bill by striking out line 3 and inserting in place thereof the following:

measured in accordance with the provisions of the Society of Automotive

Amend section 8 of the bill by striking out lines 1-3 and inserting in place thereof the following:

8 Sound Test. Amend RSA 215-A:13 (supp) as inserted by 1981, 538:3 as amended by striking out said section and inserting in place thereof the following:

215-A:13 OHRVs Must Be Submitted to Sound Tests.

Amend RSA 215-A:19, IV as inserted by section 10 of the bill by striking out line 4 and inserting in place thereof the following:

retained by him for up to a 24 hour period or until released to a parent,

Amend section 15 of the bill by striking out lines 2 and 3 and inserting in place thereof the following:

1981, 538:3 as amended by striking out said section and inserting in place thereof the following:

Amend section 28 of the bill by striking out line 2 and inserting in place thereof the following:

1981, 500:2 as amended by striking out said subparagraph and inserting in

Amend RSA 6:12, I(f) (2) as inserted by section 28 of the bill by striking out line 2 and inserting in place thereof the following:

be distributed pursuant to RSA 261:141-a.

Amend section 31 of the bill by striking out same and inserting in place thereof the following:

31 Contingency Provision. If HB 200-FN of the 1983 session of the general court, "An Act creating a state funded unified court system and making an appropriation therefor," becomes law, then RSA 6:12, I(f) (1) shall be amended as follows:

(1) All moneys received from the division of motor vehicles which are derived from registration fees, operators' licenses, gasoline road tolls or any other special charges or taxes with respect to the operation of motor vehicles or the sale or consumption of motor vehicle fuels, or any other fee collected by the division of motor vehicles, but not including any revenue from fines and

forfeitures assessed against any violator of any state law relative to the use and operation of motor vehicles, after deducting the amount allowed by the legislature for maintaining the division of motor vehicles, which shall be credited to the public works and highways department for maintenance of highways;

32 Effective Date.

I. Section 31 of this act shall take effect January 1, 1984 at 12:01 a.m.

II. The remainder of this act shall take effect July 1, 1983.

This amendment makes various corrections in amending language, cross-references and word usage and inserts a contingency provision to provide for the possible passage of HB 200-FN.

Adopted.

SB 50-FN, relative to bingo and lucky 7.

Amendment

Amend RSA 287-E:20, 1 as inserted by section 1 of the bill by striking out line 4 and inserting in place thereof the following:

has existed for at least 2 years prior to the date the tickets are sold.

This amendment corrects inconsistent terminology.

Adopted.

SB 89, relative to the fish and game department.

Amendment

Amend lines 2 and 3 of paragraph III of section 1 of the bill by striking out same and inserting in place thereof the following:

his warrant for said sums out of the appropriate funds.

This amendment eliminates inconsistent terminology relating to the funding sources in section 1 of the bill.

Adopted.

SB 100-FN, allowing employees to receive payments from certain supplemental plans without a reduction in their unemployment compensation benefits.

Amendment

Amend the bill by striking out section 7 and inserting in place thereof the following:

7 Exemption Added. Amend RSA 282-A:28, (supp) as inserted by 1981, 408:3 by striking out said section and inserting in place thereof the following:

282-A:28 Retirement Pay. The maximum weekly benefit amount of any individual who is receiving a government or other pension, retirement or retired pay, annuity, or any similar periodic payment based on previous work shall only be reduced by an amount equal to such pension, retirement or retired

pay, annuity or other payment which the commissioner finds can be reasonably said to apply to such week if both the unemployment compensation pay and the pension, retirement or retired pay, annuity or similar periodic payment are based on the same period of employment. If an individual is receiving a government, military or other pension, retirement or retired pay, an annuity or a similar periodic payment for one period of employment but has worked long enough in a different period of employment to have qualified under 282-A:25, I and II and other sections of this chapter to be eligible for unemployment compensation benefits for such different period of employment, such an individual's maximum weekly benefit amount for the most recent period of employment for which he is filing for unemployment compensation benefits shall not be reduced in any way by the amount of the pension, retirement or retired pay, annuity or similar periodic payment based on the period of employment for which he is not currently filing for unemployment compensation benefits. "A government or other pension, retirement or retired pay, annuity, or any similar periodic payment based on previous work" shall not mean and shall not include payments from a supplemental unemployment plan as defined in RSA 282-A:3-a.

8 Contingency. In the event that HB 743-FN, An Act relative to unemployment compensation benefits, becomes law, the provisions of section 7 of this act shall take effect and the provisions of section 4 of this act shall be null and void and of no effect. In the event that HB 743-FN does not become law, the provisions of section 7 of this act shall have no force or effect.

9 Effective Date. This act shall take effect 60 days after its passage.

This amendment adds a new section and a contingency provision to Senate Bill 100.  
Adopted.

SB 157-FN, to regulate certified clinical social workers.

#### Amendment

Amend section 2 of the bill by striking out line 2 and inserting in place thereof the following:

1981, 569:4 by striking out said paragraph and inserting in

This amendment corrects amending language.

Adopted.

SB 181, relative to improvements to the Eastern New Hampshire turnpike and making an appropriation therefor.

#### Amendment

Amend the bill by striking out section 5 and inserting in place thereof the following:

5 Consolidation of Provisions. The director of legislative services is authorized to consolidate and integrate the

changes in RSA sections made in this act with the changes in the same RSA sections made by all other acts of the 1983 session of the general court which become law. Such authority shall include the ability to make necessary cross reference changes in other sections of the same acts and shall be exercised only in conjunction with the legislative budget assistant. In addition, such authority shall be subject to the approval of the president of the senate and the speaker of the house, shall not include the power to make any substantive change and shall expire upon printing of the 1983 session laws.

6 Effective Date. This act shall take effect 60 days after its passage.

This amendment eliminates duplicate numbering of RSA sections and paragraphs and insures complimentary provisions will be comprehensively and cohesively coordinated.  
Adopted.

#### RECESS

(Speaker in the Chair)

#### ENROLLED BILLS REPORTS

SB 29, relative to the department of centralized data processing.

SB 135, relative to the procedure for withdrawing from the New Hampshire retirement system for municipal officers and employees.

HB 349, providing restitution to the state for illegally taking or possessing game animals, game birds and fur bearing animals; and authorizing the executive director to set a different season for nonresidents taking fur bearing animals.

HB 357, relative to the acquisition of a dam in disrepair by a town or village district and proceedings before the water resources board.

HB 410, creating a commission to study alternative procedures for the resolution of marital questions.

HB 511, relative to school district ability for special education.

HB 579, relative to the impact of computerizing state agencies.

HB 618, requiring binding arbitration in resolving labor disputes involving police and fire employees of certain cities.

HB 816, relative to the election of representatives to the general court and the election of delegates to state party conventions from the city of Keene.

HB 818, relative to group legal insurance.

HB 830, relative to termination of parental rights.

SB 42, amending the meals tax.

HB 116, relative to sunset review of the postsecondary education commission - N.H. incentive program.

HB 265, limiting the grounds for eviction of tenants from certain rental units and eliminating appeals to the superior court in landlord-tenant cases.

HB 338, relative to fees collected by the registers of deeds in Carroll and Coos counties.



SB 204, relative to county commissioner districts in Coos county.

SB 210, providing for an appropriation to the New Hampshire constitution bicentennial education commission.

SB 215, relative to grants for retired senior volunteer programs and making an appropriation therefor.

HB 381, legalizing the name "Contoocook Village Precinct;" legalizing certain meetings; and authorizing certain borrowing, and the collection of certain taxes, and the issuance of certain bonds.

HB 611, relative to regulation of spraying residential neighborhoods with hazardous pesticides.

HB 739, relative to the cancellation and refusal to renew insurance policies.

HB 811, relative to the protection of tenants in conversion of rental units.

HB 621, limiting library commissioners to 2 consecutive terms.

HB 828, establishing the public guardianship and protection program.

SB 68, relative to boat access to state parks and directing the office of state planning to study the usage of great ponds.

HJR 4, memorializing the Vietnam veterans.

SB 136, relative to indexing trustee process.

SB 198, relative to the regulation of barbers and cosmetologists.

SB 211, relative to bad checks.

HB 89, relative to resident taxes and the wildlife management collection program.

HB 135, relative to sunset review of administration and control - division of graphic services.

HB 148, placing the workmen's compensation review commission for state employees under the jurisdiction of the comptroller.

HB 159, relative to sunset review of centralized data processing - data processing operation.

HB 161, relative to sunset review of centralized data processing - systems development.

HB 162, relative to sunset review of centralized data processing - agency revenues.

HB 237, relative to employment termination.

HB 254, relative to a resident commercial salt water fishing license.

HB 322, providing for the acquisition of a certain dam and water rights by the fish and game department and making an appropriation therefor.

HB 331, relative to weights and measures.

HB 369, relative to the exportation of livestock, poultry and the grading, marking and sale of eggs.

HB 566, recodifying the controlled drug laws.

HB 57, relative to the authority for regulating taking, inspection and processing of marine species.

HB 72, to allow counties to set up trust funds.

HB 91, relative to the reconstruction of Camp Sargent road and making an appropriation therefor.

HB 300, allowing stepchildren and their spouses to inherit tax-free from a stepparent and to bequeath tax-free to a stepparent.

HB 333, relative to a lump sum death benefit for Lillian Palmer.

HB 403, relative to construction of a highway by-pass around the town of Conway.

HB 416, instituting an automated information system for the state library.

HB 442, exempting credit union depositors from the interest and dividends tax.

HB 565, changing the name of the department of health and welfare to the department of health and human services.

HB 820, relative to the supervision of a person who has been discharged from a mental health facility after receiving treatment for mental illness.

SB 12, increasing the minimum age for purchase, sale and consumption of alcoholic beverages to 21 years when Massachusetts and Maine have increased their minimum age to 21 years.

SB 20, authorizing the town of Hampton to establish a solid waste management district.

SB 103, relative to disposal of sewage and other wastes from boats.

SB 108, relative to the powers of the board of education of the union school district of Keene, subject to approval by local referendum.

HJR 3, to authorize a more comprehensive program to conserve the water resources of the state.

SB 52, relative to occupational and health safety programs.

SB 102, making an appropriation for New Hampshire's share of the cost for the perambulation of the Maine-New Hampshire boundary.

SB 125, relative to the department of fish and game obtaining rights of way or access to certain bodies of water in the state and making an appropriation therefor.

SB 156, providing an incentive for public and private postsecondary educational institutions to attract out-of-state students, and making an appropriation therefor.

SB 164, to provide that the term of the chairman of the liquor commission shall be coterminous with the term of the governor.

SB 195, relative to passing school buses.

HB 96, relative to special plates for former prisoners of war.

HB 209, relative to repairs to the state house and railroad line improvements and making an appropriation to the water resources board.

HB 311, making an appropriation to the water supply and pollution control commission.

HB 346, relative to permanent applications for tax exemptions.

HB 351, relative to certain trust funds.

HB 393, relative to the minimum wage for youths.

HB 414, to remove prohibitions against companion animals in housing for the elderly.

HB 451, relative to current use.

HB 462, relative to the rights of blind or hearing impaired persons accompanied by seeing eye or hearing ear dogs.

HB 499, relative to food stamp fraud.

HB 516, relative to eligibility and liability for certain public assistance.

HB 578, creating a joint legislative committee to study the feasibility of merging all unincorporated places with abutting towns.

HB 585, permitting the labor commissioner to assess civil penalties and creating a process for appeals.

HB 589, requiring declarations of candidacy for candidates for the office of president and vice-president.

HB 607, to provide for recovery of money obtained through welfare fraud or abuse and to legalize the Winchester school district meeting.

HB 178, relative to utilities' eminent domain procedures and the eminent domain procedure act.

HB 202, establishing the ward lines for the city of Manchester and amending the Manchester city charter.

HB 233, relative to bait dealers and fishing derbies held by charitable organizations.

HB 284, exempting privately owned school buses from the gas tax.

HB 382, adding members to the joint committees on employment relations and exempting the department of employment security from uniform hearing procedures.

HB 468, relative to the state council on aging.

HB 480, relative to the adoption of a New England truckers compact.

HB 560, restructuring the state mental health system and making an appropriation therefor and relative to a study committee for the purpose of certain products.

HB 605, relative to interference with custody.

HB 696, amending the workmen's compensation laws to update language and rectify other matters.

HB 723, changing statutory references from the board of taxation to the board of tax and land appeals and amending the filing fee which must be paid in appeals to the board of tax and land appeals.

HB 725, relative to limited electrical energy producers.

HB 802, relative to morticians.

HB 810, relative to labeling and banning of certain products which contain urea-formaldehyde.

SB 84, making a capital appropriation for the Manchester access ramp project.

SB 112, relative to the establishment of jurisdiction over certain health insurers.

SB 141, reinstating the option of appealing to the superior court in lieu of appealing to the board of tax and land appeals.

SB 143, making several changes in the criminal law and relative to the suspension of a person's driver's license or driving privilege for failure to appear or pay a fine.

SB 152, granting authority to the office of state planning to accept and expend community development block grant funds.

SB 169, establishing a study committee to review the rules of the water supply and pollution control commission, excluding those rules which involved municipal systems.

SB 182, relative to discretionary easements.

SB 208, relative to business corporations.

HB 531, relative to liquor and wine.

HB 645, relative to certificates of need.

HB 684, relative to responsibility for the payment of accrued liability by political subdivisions and certain specialized schools which withdrew from the retirement system.

HB 702, providing for the licensing of transporters of hazardous materials and wastes and defining the penalty structure and rulemaking process for hazardous materials or wastes transportation and authorizing the issuance of notes by the Lamprey regional solid waste cooperative.

HB 733, expanding the law enforcement authority of the director of safety services and allowing the regulation of so-called rafting and offshore anchoring.

HB 751, relative to employee access to personnel files.

HB 757, establishing a state fire code.

SB 58, to plan for a moose management program which may entail experimental 3-day season.

SB 66, relative to state guarantees for water pollution control projects and state contributions for the construction of pollution control systems in certain towns.

SB 144, relative to the illegal purchase of alcoholic beverages by underage persons.

SB 167, establishing an advisory committee on rules of evidence.

SB 171, relative to the board of registration in medicine, certain positions at the New Hampshire hospital and a legislative study committee.

SB 175, relative to salvage certificates of title and salvage vehicle decals.

SB 176, relative to insurance coverage for residential psychiatric treatment.

SB 193, providing for suggestion and incentive awards.

SB 200, relative to political activities by classified state employees.

SB 212, providing for the purchase of state liquor stores in Nashua and Lebanon and making an appropriation therefor.

SB 194, relative to dry cleaning establishments.

HB 53, establishing the department of postsecondary vocational education and making an appropriation therefor.

HB 102, relative to sunset review of administration and control - budget and control.

HB 104, relative to sunset review of administration and control - administration and control programs.

HB 158, relative to sunset review of centralized data processing - administration and support.

HB 294, providing for a method of protection of the groundwater of the state and establishing a water resources management program.

HB 297, establishing a committee to study ethics in government.

HB 423, relative to expenditure of funds by libraries.

HB 426, amending certain checklist practices.

HB 477, relative to the right-to-know law.

HB 507, relative to the collection of taxes and the registration of certain vehicles.

HB 512, relative to clarification of certain terms regarding school children.

HB 521, regulating rental referred agencies, health clubs, buying clubs and relative to real estate brokers licenses.

HB 523, amending the meals and rooms tax and certain powers of the collections division of the department of revenue administration.

HB 546, increasing the uncontested special session fee for probate judges.

HB 550, relative to apportionment, assessment and abatement of taxes.

HB 567, relative to service station dealers.

HB 572, creating a uniform interest rate penalty for the late filing of tax returns, and amending exceptions to the penalty for the underpayment of estimated tax.

HB 575, withdrawing home office protection under the branch banking law from banks which are affiliates of bank holding companies and relative to the language available for inclusion in savings bank names.

HB 617, relative to employee benefits after the employer's withdrawal from the retirement system.

HB 626, permitting deductions for qualified charitable and research contributions from the business profits tax.

HB 630, relative to changes in the construction clause of the law against discrimination and relative to the computation of back pay in cases of discrimination.

HB 648, relative to smoke detectors in rental units.

HB 657, relative to the administrative procedures act.

SB 3, recodifying the state planning and zoning laws.

SB 6, relative to endangering the welfare of children.

SB 24, relative to the off highway recreational vehicle laws.

SB 37, requiring fire warning devices in all multi-unit dwellings.

SB 50, relative to bingo and lucky 7.

SB 89, relative to the fish and game department.

SB 100, allowing employees to receive payments from certain supplemental plans without a reduction in their unemployment compensation benefits.

SB 157, to regulate certified clinical social workers.

SB 181, relative to improvements to the Eastern New Hampshire turnpike and making an appropriation therefor.

HB 45, relative to driving while intoxicated.

HB 105, relative to sunset review of state treasury - administration.

HB 127, relative to sunset review of the higher education fund - U.N.H. system administration.

HB 145, relative to sunset review of the labor department - inspection division.

HB 156, relative to sunset review of the department of resources and economic development - administration and support.

HB 219, establishing the ward lines for the city of Portsmouth and amending the Portsmouth city charter.

HB 225, relative to apple marketing.

HB 273, requiring presidential primary checklists to be deposited at the state archives and with the clerk of the federal district court and making certain other changes in the election laws.

HB 310, relative to construction of the central New Hampshire turnpike and making an appropriation therefor.

HB 341, consolidating the office space study committee with the capital planning committee.

HB 361, requiring the checklist used at any state election to include the full name, address, and political affiliation of each voter, and allowing candidates to be nominated by more than one party under certain circumstances.

HB 366, establishing a joint administrative rules committee.

HB 379, to require sticker prices on trucks.

HB 394, amending various provisions of the motor vehicle laws.

HB 400, making appropriations for capital improvements and amending the definition for an institution for postsecondary or higher education, life-care facilities and nursing homes under the provisions of the higher educational and health facilities authority.

HB 430, providing filing fees for the construction or reconstruction of dams and making an appropriation therefor.

HB 431, relative to excavating and dredging permits and the wetlands board.

HB 460, amending the truck weight and size laws to conform to federal requirements.

HB 465, relative to proceedings before the water resources board.

HB 496, relative to the continuance of part time district courts.

HB 658, relative to special education for certain minors and children.

HB 727, relative to fees for criminal record checks and for private detectives and security guard services.

HB 734, to require reporting of certain nuclear accidents.

HB 744, establishing a department of corrections.

HB 753, to establish the incorporation of consumer cooperative associations with the state of New Hampshire.

HB 761, relating to prepayment of consumer credit transactions and adopting the actuarial method for the computation of interest.

HB 763, relative to toxic substances in the workplace.

HB 827, providing military recruiters access to schools.

HB 831, transferring the licensing of child care agencies from the division of welfare to the department of health and welfare.

Sen. John P. H. Chandler, Jr.  
Rep. Francis X. Donovan  
For The Committee.

## RECESS

(Speaker Pro Tem in the Chair)

## ENROLLED BILLS AMENDMENTS

SB 46-FN, establishing a division for children and youth services and making an appropriation therefor and establishing a department of administrative services.

## Amendment

Amend section 3 of the bill by striking out line 2 and inserting in place thereof the following:

superintendent, youth development center, on the effective date of this section

Amend section 4 of the bill by striking out line 2 and inserting in place thereof the following:

superintendent, youth development center, on the effective date of this section

Amend section 5 of the bill by striking out line 2 and inserting in place thereof the following:

amended as follows:

Amend section 14 of the bill by striking out lines 11 and 12 and inserting in place thereof the following:

such accounts and accountability as the department of administrative services otherwise requires. The division shall be responsible for the

Amend section 27 of the bill by striking out line 1 and inserting in place thereof the following:

27 New Chapter. Amend RSA by inserting after chapter 170-G the

Amend section 28 of the bill by striking out line 2 and inserting in place thereof the following:

parole board established in section 27 of this act, one member shall be

Amend section 30 of the bill by striking out lines 2-5 and inserting in place thereof the following:

agencies affected by section 1-39 of this act shall cooperate with the commissioner of health and welfare and the director-designate and provide such information, administrative support, staff assistance and facilities as he may require to ensure an orderly and timely transition.

Amend section 31 of the bill by striking out lines 5-9 and inserting in place thereof the following:

youth services before October 1, 1983. The transfers required by sections 1-39 of this act shall be completed by January 1, 1985.

The governor may draw his warrant upon funds not otherwise appropriated to cover reasonable expenses associated with the transition, including reimbursement of the director-designate.

Amend section 36 of this act by striking out lines 2-6 and inserting in place thereof the following:

children and youth services, established by section 1 of this act, for the purposes of sections 1-39 of this act the sum of \$1.00 for the fiscal year ending June 30, 1984, and the sum of \$1.00 for the fiscal year ending June 30, 1985. The governor is authorized to draw his warrant for said sums out of any money in the treasury not otherwise appropriated.

Amend RSA 21-G:6, IV as inserted by section 40 of the bill by striking out lines 1-3 and inserting in place thereof the following:

IV. Cooperate with the department of public works and highways in long range capital planning to meet the needs of the state as may be requested by the governor and council, and subject to their approval.

Amend RSA 21-G:9, I as inserted by section 40 of the bill by striking out line 3 and inserting in place thereof the following:

## VIII.

Amend RSA 21-G:9, III as inserted by section 40 of the bill by striking out line 3 and inserting in place thereof the following:

entry functions, and except as provided in paragraph VIII, including:

Amend RSA 21-G:12, II(c) as inserted by section 40 of the bill by striking out line 2 and inserting in place thereof the following:

in consultation with the department of

Amend RSA 21-G:12, II(d) as inserted by section 40 of the bill by striking out line 2 and inserting in place thereof the following:

in consultation with the department of

Amend RSA 8:25 as inserted by section 46 of the bill by striking out lines 3 and 4 and inserting in place thereof the following:

chapter and RSA 21-G. All purchases so excepted shall be made in accordance with the existing laws governing such purchases:

Amend section 43 of the bill by striking out lines 2-4 and inserting in place thereof the following:

be followed in implementing sections 40-53 of this act shall be as specified in House Bill 1, the executive branch reorganization



act of 1983, of the 1983 regular session of the general court

Amend the bill by striking out section 54 and inserting in place thereof the following:

54 Contingency; Provisions Relating to Trustees; Reference to Department of Corrections. If House Bill 744-FN of the 1983 general session, "An Act establishing a department of corrections," becomes law:

I. The following sections shall be repealed:

(a) RSA 10:2, relative to trustees for the youth development center and trustees for the state prison; and

(b) RSA 10:3, relative to meetings of the trustees for the youth development center and of the trustees of the state prison.

II. RSA 10:4 shall read as follows:

10:4 Acquisition and Disposal of Real Estate for Institutions. Upon request of the director of the division of mental health and developmental services, the director of the division of public health services, or the division for children and youth services, the governor and council may buy, sell, or exchange institutional lands for any of the institutions named in RSA 10:1 over which the requester has jurisdiction and, at the request of any of the above or that of the trustees of the university system of New Hampshire, may institute proceedings for the taking of land for institutional purposes by eminent domain; and the procedure for that purpose shall be the same and the value of the land shall be determined as in cases of land taken for highways upon petition to the superior court. On the payment of the value as finally determined, the title to the land so taken shall vest in the state.

III. RSA 621:12 shall read as follows:

621:12 Division's Duties.

I. The division shall have charge of the lands, buildings, furniture, tools, implements, stock, provisions, and other property of the center. The division shall keep, in suitable books, regular and complete accounts of all receipts and expenditures, and of the debts, credits, contracts, and property of the center, showing its income and expenses. Such accounts shall be specific and contain the dates and amounts of all receipts, and the date, quantity, and price of every article purchased or procured. There is specifically excepted from the foregoing such accounts and accountability as the department of administrative services otherwise requires. The division shall be responsible for the organization of the center to effect the maximum in economy and efficiency, and shall be the appointing authority for employees of the center. The division shall have custody and charge of the children committed to their care and shall provide maintenance to those children

detained at the center awaiting further court action.

II. The director shall develop and periodically revise a juvenile section of the comprehensive plan for the state's correctional system required by RSA 21-G:8, X which shall contain the elements required by law to be addressed in that plan. The director shall cooperate with the commissioner of corrections to assure periodic revision and publication of this plan. The juvenile section shall be fully integrated into the overall plan provided for by RSA 21-G:8, X, but the director shall be solely responsible for its contents.

55 Contingency; Provisions Relative to Child Care Agencies. If House Bill 831 of the 1983 general session, "An Act transferring the licensing of child care agencies from the division of welfare to the department of health and welfare," becomes law:

I. RSA 170-E:6, IV shall read as follows:

IV. The department may delegate to the division of public health services the authority to issue a 6 month permit immediately upon completion of the necessary licensing inspections. A facility granted such a permit by the division of public health services may begin operation immediately without waiting for the state office to complete the processing of the application.

II. RSA 170-E:9, I(b) shall read as follows:

(b) Minimum standards for facilities for general child care, where there are children diagnosed as mentally ill, mentally retarded or physically handicapped who are determined to be in need of special mental treatment or nursing care, or both. The department shall seek the advice and recommendation of the division of mental health and developmental services or the division of public health services, or both, regarding the residential treatment and nursing care provided by the facility.

III. RSA 170-E:18 shall read as follows:

170-E:18 Reports to the Division for Children and Youth Services.

I. Any child care facility receiving a child for care or supervision from a foreign state or country shall report that child to the division for children and youth services in the same manner as it is required for reporting other children pursuant to RSA 170-A:1.

II. A person other than a licensed child care institution or child placing agency may not receive a foreign child without prior notice to and approval of the division for children and youth services. Any placement of children shall conform to RSA 170-A and RSA 170-B:23.



III. The division for children and youth services may require a guarantee that a child accepted for care or supervision from a foreign state or country will not become a public charge upon this state.

IV. The division for children and youth services may enter into agreements with public or voluntary social agencies headquartered in states adjacent to this state regarding the placement of children in licensed foster family homes within the boundaries of this state if the agencies meet the standards and criteria required for license as a child placing agency in this state. The agreements may allow foreign agencies to place and supervise children for whom they have responsibility with this state without regard to paragraph I. These agreements shall, however, include a requirement that the agencies cooperate fully with the division in its inquiry or investigation into the activities and standards of those agencies, and provide that the division for children and youth services may, at any time upon 15 days written notice to an agency by registered mail, void the agreement and require the observance of paragraph I.

V. The division for children and youth services shall perform its duties under this section with the approval of the commissioner.

IV. RSA 170-E:1, II, relative to a definition, shall be repealed.

56 Effective Date.

I. Sections 24, 38 and 39 of this act shall take effect January 1, 1985.

II. The remainder of this act shall take effect July 1, 1983.

The amendment corrects several errors in the amending language and several incorrect and overbroad references, clarifies transition language in section 43, and adds contingency provisions which are necessary because of changes made in HB 744 and HB 831.  
Adopted.

HB 650-FN, relative to court procedures, the select commission to examine a unified court system, Hillsborough county court facilities and nonjudicial employee retirement.

#### Amendment

Amend paragraph VII of section 24 of the bill by striking out lines 1 and 2 and inserting in place thereof the following:

VII. Section 9 of this act shall take effect December 31, 1983, at 11:59 p.m.

This amendment corrects an error in the effective date section.  
Adopted.

#### RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn.  
Adopted.

# HOUSE JOURNAL 34

*Tuesday, 21Jun83*

The House assembled at 2:00 p.m., and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

O God, our State cries out for help, let Your healing take place. Free us from the illness of blaming, the illness of narrow self-interest. Create in us a listening ear, a positive attitude, a willingness to live by creative risk. Open each of us to a clear understanding of the needs of our state and guide us with a common willingness to be a part of the solution. Let Your healing Spirit be with us today. Amen.

Rep. Sloan led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Zimmerman, Chisholm, Waldron, Stimmell, Nichols, Dean, Joseph MacDonald, Nevins and LoFranco, the day, illness.

Reps. Michael Jones, Hendrick, Thomas Hynes, John Townsend, Kenneth MacDonald, John Flanders, Peter Ramsey, M. Arnold Wight, Malcolm, Michaelides, Bolan, Ralph Torr, Greene and Barber, the day, important business.

Reps. Danderson and Daniel Healy, the day, death in the family.

## INTRODUCTION OF GUESTS

Mr. Yves Chardon, father-in-law of Rep. Chardon; Stacy Wells, daughter of Rep. Wells; Jenny Wallner, daughter of Rep. Wallner; Dina Zeckhausen, daughter of Rep. Zeckhausen; Harold Clough and Herbert Edmonds, guests of Reps. Christie and Carlson.

## SUSPENSION OF RULES

Reps. Rounds and Spirou moved that the Rules be so far suspended as to consider the Committee of Conference report on SB 113, relative to domestic and foreign insurers, after the deadline.

Adopted by the necessary two-thirds.

## COMMITTEE OF CONFERENCE REPORT ON SB 113

The committee of conference to which was referred Senate Bill 113, An Act relative to domestic and foreign insurers, having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate:

Sens. Freese, Dist. 4, Bergeron, Dist. 6 and Champagne, Dist. 20

Conferees on the Part of the House:

Reps. Burns, Coos 5, B. P. Smith, Hills. 9, Roberts, Merr. 5 and Baker Hills. 19

Rep. Harold Burns moved that the House adopt the report.

Report adopted.

## ENROLLED BILLS REPORT

HB 650, relative to court proceedings, the select commission to examine a unified court system, Hillsborough county court facilities and nonjudicial employee retirement.

SB 46, establishing a division for children and youth services and making an appropriation therefor and establishing a department of administrative services.

Rep. Francis X. Donovan  
Sen. Laurier Lamontagne  
For the Committee.

## SUSPENSION OF RULES

Reps. Rounds and Spirou moved that the Rules be so far suspended as to consider the Committee of Conference report on SB 219, relative to voting by citizens who live overseas, after the deadline.

Adopted by the necessary two-thirds.

## COMMITTEE OF CONFERENCE REPORT ON SB 219

The committee of conference to which was referred Senate Bill 219, An Act relative to voting by citizens who live overseas, having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate:

Sens. Allen, Dist. 3, Carswell, Dist. 9 and Stephen, Dist. 18

Conferees on the Part of the House:

Reps. Flanagan, Rock. 8, Cutting, Sull. 6, Stark, Merr. 14 and Robinson, Merr. 3

Rep. Flanagan moved that the House adopt the report.

Report adopted.

## VETO MESSAGE ON HB 816

To the Honorable Members of the General Court

I have this day vetoed House Bill 816 relative to the election of Representatives

to the General Court and the election of delegates to the state party conventions from the city of Keene.

HB 816 calls for a very complicated system of representation which did not give equal wards equal representation. Other cities in New Hampshire have treated equal wards equally, and Keene should not be treated in any lesser fashion.

On June 2, 1983, the City Council of Keene forwarded a Resolution asking that each of Keene's representative districts be equally represented so that each vote cast by a citizen of Keene will have the same weight and effect. HB 816 did not reflect the substance of their Resolution.

I hope that future legislation will provide fair representation and reflect the interests and will of the city of Keene.

Sincerely,

John H. Sununu, Governor

Rep. Rounds moved that further consideration of the veto message on HB 816 be made a Special Order for Tuesday, June 28, at 10:01 a.m.

Adopted.

#### VETO MESSAGE ON HB 740

To the Honorable Members of the General Court

After considerable deliberation I hereby veto House Bill 740.

The bill as written is unclear, possible of more than one interpretation, and would cause a tremendous amount of confusion among credit grantors and consumers in the State. It could also add significantly to the costs to both seller and consumer.

One example of the confusion created by the language of this bill can be seen in the section dealing with billing procedures. The bill specified certain action to be taken in reference to "purchases (made) during any current billing cycle." Since purchases are virtually always made during a current billing cycle the bill inevitably will be construed to mean that no finance charges could ever be imposed on purchases or leases. This obviously was not intended by the sponsors of the bill.

I regret that my attempt to have this legislation recalled to clear up the confusion was not successful.

This bill if enacted into law would be adverse to the best interest of the consumers in the State.

Sincerely,

John H. Sununu, Governor

Rep. Spiro moved that further consideration of the veto message on HB 740 be made a Special Order for Tuesday, June 28, at 10:02 a.m.

Adopted.

#### VETO MESSAGE ON HB 75

To the Honorable Members of the General Court

After considerable deliberation I have decided to veto House Bill 75 the so-called "Living Will" or "Right to Die" bill. I do so with respect for the motives of those who

have sponsored this bill, and for those who have supported it. I believe, however, that the citizens of our State will not be best served by this legislation.

I am well aware that many of us may disagree concerning the issues of death and dying. As the Chief Executive of this State I cannot sign into law a bill that in my opinion diminishes the sanctity of life and, perhaps unknowingly, glamorizes the procedures for the taking of that life.

I am most troubled that this legislation invades and institutionalizes the physician-patient relationship. By doing so it demeans what is truly one of the most privileged relationships that exist in our society. I do not feel that the state should become an intervener in the physician-patient relationship, and as Governor I cannot support a measure that transforms an understanding based on mutual trust to one dependent on contractual formality.

Under present common law in New Hampshire a patient is not forced to accept any unwanted medical treatment if excessively burdensome or of doubtful medical benefit. In contrast, one of the complexities created by this legislation can be seen by the sample instrument, section H:3, which recommends that a terminally ill person "be permitted to die naturally with only the administration of medication or the performance of any medical procedure deemed necessary to provide (the terminally ill person) with comfort care." Yet the bill does not define the critical terms "medication," "medical procedure," or "comfort care." Its failure to do so only serves to cloud an area already responsibly addressed by principled physicians and family members. Furthermore, any bill that must disclaim that the actions it legitimatizes "should at no time be construed as a suicide for any legal purpose" raises more questions than it answers.

Sincerely,

John H. Sununu, Governor

Rep. Rounds moved that further consideration of the veto message on HB 75 be made a Special Order for Tuesday, June 28, at 10:00 a.m.

Adopted.

#### VETO MESSAGE ON HB 328

To the Honorable Members of the General Court

I hereby veto House Bill 328 authorizing local governments to establish general reserve funds for any purpose for which a town may raise money.

I cannot support the levying of taxes for the creation of "general reserve" funds. Such action raises serious Constitutional problems since these assessments could be characterized as an unreasonable confiscation or expropriation of private resources without adequate description of the expenditure to the affected taxpayers. This bill permits local governments to create an open-ended fund at the expense of the taxpayers.

The authority proposed in this bill allowing towns to set up "general reserve funds" for any and all purposes for which they can raise and appropriate funds could ultimately add an extremely burdensome financial responsibility on current taxpayers. This bill would force taxpayers to finance not only their respective share of current government expenses, but it would also force them to provide funds to defray expenses for future years.

I believe that the function of government is to provide essential public services required for the present general welfare of its citizens. I am not opposed to establishing reasonable reserve funds if such funds are designated to meet specific anticipated community needs. For example, I did not veto the establishment of a reserve fund for expenditures associated with the education of educationally handicapped children. I believe that the bill responsibly addressed a particular problem in a constructive manner. It is general reserve fund appropriations that cannot be permitted.

The State of New Hampshire has long recognized that current operating and maintenance expenses should be financed by currently available resources. We have historically required that budgets should be balanced annually only in amounts sufficient to provide the funds necessary to achieve that purpose. This method of financing local governmental operations has proven to be effective over the years.

I would encourage the Legislature to continue to impose reasonable restrictions on the purposes and amounts for which local governments may exact taxes against their constituents. The taxpayers of our State deserve such fundamental fairness.

Sincerely,  
John H. Sununu, Governor

Rep. Spiro moved that further consideration of the veto message on HB 328 be made a Special Order for Tuesday, June 28, at 10:03 a.m.

Adopted.

#### UNANIMOUS CONSENT

Rep. Benton addressed the House by unanimous consent.

#### A FAREWELL MESSAGE FROM THE GREAT MEN ON THE WALL

For many years now we've looked down on  
this hall  
And we've come to admire all who here  
dwell  
The time grows short till the final gavel  
We are sad that this means farewell.

Some of you come and remain a short time,  
While others we've been friends with for  
long  
The Reps. and the Dems. and the ladies  
in slacks,  
May you all return to this hall.

We will miss you all, this is for sure,  
Even those who loud and long orate,

For we know that you all have one thing  
in common,  
Devotion and love for the Granite State.

To greet you, and those who follow  
Here we remain evermore,  
We'll continue in silence to listen and  
watch  
The actions of our friends down on the  
floor.

When you've pressed the green button and  
stand adjourned  
And you're making your last farewells,  
Glance up at us for one last time,  
Our lips are still, but our eyes say to  
you all,  
Godspeed friends, and a safe return  
From your admirers high on the wall.

Rep. Chase moved that Rep. Benton's  
remarks be printed in the Journal.  
Adopted.

Rep. Rounds moved that the House now  
adjourn from the early session, that the  
business of the late session be in order at  
the present time, that the reading of bills  
be by title only and resolutions by caption  
only and that all bills ordered to third  
reading be read a third time by this  
resolution, and that all titles of bills be  
the same as adopted, and that they be passed  
at the present time, and when the House  
adjourn today it be to meet Tuesday, June  
28, at 10:00 a.m.

Adopted.

#### LATE SESSION

Rep. Rounds moved that the House stand  
in recess.  
Adopted.

The House recessed at 3:10 p.m.

#### RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn.  
Adopted.

# HOUSE JOURNAL 35

*Tuesday, 28Jun83*

The House assembled at 10:00 a.m., and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

Dear Father Almighty, You have created us, Your children, with freedom of choice and mind. Indeed, Your gift of freedom has made assemblies like this House possible. We pray that Your Spirit will now guide us in such ways that we will insure others their freedom of choice and that by working together we may encourage one another in building a State where each citizen is important. Amen.

Rep. Anderson led the Pledge of Allegiance.

## LEAVES OF ABSENCE

Reps. Zimmerman, Chisholm, Waldron, Stimmell and Eleanor Whittemore, the day, illness.

Reps. Peter Ramsey, Lefebvre, William Sullivan, Pantelakos, Musler and Michael Jones, the day, important business.

## INTRODUCTION OF GUESTS

Joan, Wade and Wende Wagner, Wayne Gregoire and Steve Undercoffler, family and guests of Rep. Wagner; Mrs. Shirley Stadlebauer, mother of Rep. Leslie Burns; Yvette Gosselin, guest of Rep. Hickey; Dorothy and Gordon Smith, wife and son of Rep. Gerald L. Smith; Kate and Richard Grip, daughter and son of Rep. Grip; Mr. and Mrs. Tarbell, parents of Rep. Zeckhausen.

## COMMUNICATION

John B. Tucker  
Speaker

Dear Mr. Speaker

This letter will serve notice that as of this date, I must resign from the New Hampshire House of Representatives. My resignation is necessary because I am moving outside the district that I presently represent.

Serving in the New Hampshire House has been both an honor and a privilege.

Sincerely,  
Paul T. Keenan  
District 14  
Seabrook, NH 03874

## SENATE MESSAGE RECONSIDERATION, CONCURRENCE WITH AMENDMENT

SB 72, relative to transferring necessary rights and easements in and to certain dams to the water resources board.

Its introduction having been approved by the Rules Committee, Rep. Rounds offered the following:

RESOLVED, that in accordance with the list in the possession of the Clerk, House Bill of Intent numbered 2010, shall be by this resolution read a first and second time by the therein listed title, sent for printing, and referred to the therein designated committee.

Adopted.

## INTRODUCTION OF HOUSE BILL OF INTENT First, second reading and referral

HBI 2010, relating to studying the Jobs Partnership Training Act. (Skinner of Rockingham Dist. 21 - To Labor, Human Resources and Rehabilitation)

## SUSPENSION OF RULES

Reps. Rounds and Spirou moved that the Rules be so far suspended as to permit consideration of HR 37, relative to the impact of acid rain in New Hampshire, after the deadline.

Adopted by the necessary two-thirds.

## COMMITTEE REPORT

HR 37, relative to the impact of acid rain in New Hampshire. Ought to Pass with Amendment.

The Committee unanimously (16-0) approved this resolution as amended. This reinforces the statement made by the House in 1981 when it passed HR 38 by a vote of 273-5. The Committee feels sure that the House is aware of the acid rain problem, and that the full membership would like to go on record once again regarding this important issue. Rep. Roberta C. Pevear for Environment and Agriculture.

## Amendment

Amend the resolution by striking out the ninth paragraph after the title and inserting in place thereof the following:

Whereas, in 1981, House Resolution No. 38, recognizing the impact of acid rain in New Hampshire, was passed by the House of Representatives by a vote of 273 to 5; and

Whereas, the citizens of New Hampshire expressed their concern over acid rain this past spring by passing at 197 of 221 town meetings a resolution calling for a substantial reduction in sulfur dioxide emissions and conclusion of an acid rain treaty with Canada; now, therefore be it

Amend the resolution by striking out the first paragraph after the resolving clause and inserting in place thereof the following:



That the appropriate agencies of state and federal government are strongly encouraged to continue research into the cause and effects of acid rain, and alternative techniques for its reduction, in New Hampshire and New England, including its economic impact; and

Rep. Greene explained the Committee report.

Reps. Spiro and Rounds spoke in favor of the Committee report.

Rep. Guay spoke against the Committee report.

Amendment adopted.

Ordered to third reading.

#### COMMUNICATION

The House has in its possession a petition from the town of Barnstead concerning actions by the Federal Government to control and reduce acid rain.

The Speaker called for the Special Orders.

#### VETO MESSAGES

HB 75, permitting persons to execute terminal care documents.

Question being, notwithstanding the Governor's veto, shall HB 75 pass.

Reps. Francis Robinson, Raiche, Pannell, Daniell, Rounds and Sytek spoke in favor.

Reps. Dexter, Emma Wheeler, Matthew Locke and John Hynes spoke against and yielded to questions.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

(Speaker presiding)

YEAS 271 NAYS 71

YEAS 271

BELKNAP: Bastraw, Birch, Bolduc, Bowler, French, Hardy, Robert Hawkins, Holbrook, Lamprey, Nighswander, Pearson, Randall, Sanders and Zeckhausen.

CARROLL: Ashnault, Chandler, Chase, Dickinson, Robert Holmes, Hraba, Kenneth MacDonald, McIntire and Murphy.

CHESHIRE: Barber, Eugene Clark, Crane, Davis, Daniel Eaton, Galloway, Gordon, Grodin, Hickey, Lane, Matson, David Meader, Robert Moore, Morse, Parker, Perkins, Perry, Margaret Ramsay, William Riley and Scranton.

COOS: Brideau, Harold Burns, Chappell, Chardon, Horton, David King, Langley, George Lemire, Theriault and Valliere.

GRAFTON: Blair, Chambers, Christy, Copenhaver, Crory, Densmore, Downing, Duggan, Easton, Girouard, Harnish, Hutchings, Michael King, Wayne King, Logan, Rounds, Stewart, Taffe, John Townsend, Walter and Ward.

HILLSBOROUGH: Debora Ahern, Richard Ahern, Ahlgren, Baker, Bass, Bergeron, Burkush, Cote, Craig, Cronin, Crotty, Duffett,

Duprey, Durant, Joseph Eaton, Ford, Fried, Galway, Grip, Harrington, George Hawkins, Head, Hendrick, Humphrey, Jean, Katsiaficas, Keefe, Robert Kelley, Knight, John Lawrence, Lynde, Lyons, Migneault, Morrisette, Nickerson, O'Rourke, Parmenter, Marjorie Peters, Pressly, Quinn, Raiche, Reidy, Robie, Ellen-Ann Robinson, Russell, Sallada, B. P. Smith, Leonard Smith, Soucy, Spirou, Steiner, Stylianos, Sylvia, Talbot, Vachon, Van Loan, Wagner, Roger Wallace, Geraldine Watson, Harold Watson, Wells, Robert Wheeler and M. Arnold Wight.

MERRIMACK: Anderson, Bardsley, Bibbo, Laurent Boucher, Bowes, Cate, Samuel Clark, Daniell, Dean, Gross, Mary Holmes, Kidder, Kinhan, Lewis, McDonnell, Mercier, Nichols, Pannell, Parrish, Phelps, Doris Riley, Louise Roberts, Walter Robinson, Rogers, Savaria, Gerald R. Smith, Stark, Lawrence Sullivan, Trombly and Wallner.

ROCKINGHAM: Ames, Bangs, Beliveau, Blanchard, William Boucher, Burdick, Butler, Campbell, Carpenito, Case, Connors, Cressy, Day, Ellyson, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Greene, Gregorio, Hollingworth, Joslyn, Kane, Glenden Kelley, Roger King, Kozaack, Kraker, Leslie, LoFranco, Longworth, Lovejoy, Joseph MacDonald, Mace, Robert Mason, McLane, William Moore, Nagel, Nevins, Newell, Newman, Palumbo, Parr, Pevear, Popov, Quimby, Romoli, Rosencrantz, Scamman, Schmidtchen, Sherburne, Simon, Skinner, Sloan, Sochalski, Splaine, Sytek, Tufts, Vartanian, Vecchione, Walker, Warburton, Webster, Raymond Wood and Woodward.

STRAFFORD: Banks, Bernard, Blouin, Bouchard, Chagnon, Chamberlin, Couture, Demers, Dingle, Albert Dionne, Fielding, Flynn, Hamel, Hennessey, Hussey, Robert Jones, Joos, Lussier, Paul Meader, Pelley, Francis Robinson, Sackett, Schreiber, Gerald L. Smith, Timm, Franklin Torr and Whiting.

SULLIVAN: Carlson, Converse, Cutting, D'Amante, Flint, Gray, Ingram, Irwin, Paul Johnson, Susan Lawrence, Palmer and Sara Townsend.

NAYS 71

BELKNAP: Dexter, Golden, Matthew Locke and David Whittemore.

CARROLL: Heath, Powers and Saunders.

CHESHIRE: Boulter.

COOS: Coulombe, Guay and Oleson.

GRAFTON: Driscoll, LaMott, McAvoy, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, John Burns, Leslie Burns, Carragher, Charbonneau, William Dion, Donovan, Clyde Eaton, Fields, Gagnon, Daniel Healy, Walter Healy, Thomas Hynes, Kashulines, Labombarde, Leclerc, Levesque, Howard Mason, McGlynn, Nelson, Nute, Resch, Silva, James Sullivan, Mary Sullivan, Tamposi, Turgeon, Ware, Emma Wheeler,

Kenneth Wheeler, Winn, Lucille Wood and Zajdel.

MERRIMACK: Allgeyer, Degnan, LaBranche, Arthur Locke, William Robert, Shepard, Stio and James Whittemore.

ROCKINGHAM: Belanger, Blaisdell, Blake, Danderson, John Hynes, Katsakiores, Malcolm, Schwaner, Stork and Tavitian.

STRAFFORD: Appleby, Belhumeur and Kincaid.

SULLIVAN: Brodeur, and the veto was overridden by the constitutional requirement of two-thirds.

Rep. Cotton notified the Clerk that she wished to be recorded in favor of overriding the veto on HB 75.

HB 816, relative to the election of representatives to the general court and the election of delegates to state party conventions from the city of Keene.

Question being, notwithstanding the Governor's veto, shall HB 816 pass.

Rep. Barber spoke in favor.

Rep. Chase spoke against.

Rep. Lane spoke against and yielded to questions.

(Speaker presiding)

YEAS 104 NAYS 237

YEAS 104

BELKNAP: Bolduc.

CARROLL: Murphy.

CHESHIRE: Barber, Boulter, Eugene Clark, Crane, Daniel Eaton, Hickey, Matson, David Meader, William Riley and Scranton.

COOS: Brideau, Chappell, Coulombe, Guay, Langley, George Lemire and Theriault.

GRAFTON: Chambers, Copenhaver, Crory, Densmore, Girouard, Hutchings, Michael King and Wayne King.

HILLSBOROUGH: Debora Ahern, Richard Ahern, Ahlgren, Baker, Bass, Bergeron, Burkush, Cote, Cronin, Donovan, Hendrick, Humphrey, Thomas Hynes, Katsiaficas, Evelyn King, Leclerc, Levesque, Lynde, Lyons, Nelson, O'Rourke, Raiche, Robie, Soucy, Spirou, Mary Sullivan, Talbot, Turgeon, Vachon, Wagner, Winn and Zajdel.

MERRIMACK: Daniell, Kinhan, Lewis, Pannell, Parrish, Lawrence Sullivan, Trombly and Wallner.

ROCKINGHAM: Bangs, Blanchard, William Boucher, Carpenito, Connors, Greene, Kozacka, Krasker, Leslie, LoFranco, Lovejoy, Joseph MacDonald, McLane, Newman, Pevear, Romoli, Rosencrantz, Simon, Splaine, Warburton and Raymond Wood.

STRAFFORD: Banks, Bernard, Chagnon, Demers, Albert Dionne, Flynn, Joos, Kincaid, Pelley and Schreiber.

SULLIVAN: Brodeur, Carlson, Converse, Irwin, Paul Johnson and Susan Lawrence.

NAYS 237

BELKNAP: Bastraw, Birch, Bowler, Dexter, French, Golden, Hardy, Robert Hawkins, Holbrook, Lamprey, Matthew Locke, Nighswander, Pearson, Randall, Sanders, David Whittemore and Zeckhausen.

CARROLL: Ashnault, Chandler, Chase, Dickinson, Heath, Robert Holmes, Hraba, Kenneth MacDonald, McIntire, Powers and Saunders.

CHESHIRE: Davis, Galloway, Gordon, Grodin, Lane, Robert Moore, Morse, Parker, Perkins, Perry and Margaret Ramsay.

COOS: Harold Burns, Chardon, Horton, David King, Oleson and Valliere.

GRAFTON: Blair, Christy, Downing Driscoll, Duggan, Easton, Logan, McAvoy, Rounds, Stewart, Taffe, John Townsend, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Bolan, John Burns, Leslie Burns, Carragher, Charbonneau, Craig, Crotty, William Dion, Duffett, Duprey, Durant, Clyde Eaton, Joseph Eaton, Fields, Ford, Fried, Gagnon, Galway, Grip, Harrington, George Hawkins, Daniel Healy, Walter Healy, Jean, Kashulines, Keefe, Robert Kelley, Knight, Labombarde, John Lawrence, Howard Mason, McGlynn, Migneault, Morrisette, Nickerson, Nute, Parmenter, Marjorie Peters, Quinn, Reidy, Resch, Ellen-Ann Robinson, Russell, Sallada, Silva, B. P. Smith, Leonard Smith, Steiner, Stylianos, James Sullivan, Sylvia, Tamposi, Van Loan, Roger Wallace, Ware, Geraldine Watson, Harold Watson, Wells, Emma Wheeler, Kenneth Wheeler, Robert Wheeler, M. Arnold Wight and Lucille Wood.

MERRIMACK: Allgeyer, Anderson, Bardsley, Bibbo, Laurent Boucher, Bowes, Cate, Samuel Clark, Dean, Degnan, Gross, Mary Holmes, Kidder, LaBranche, Arthur Locke, McDonnell, Mercier, Nichols, Phelps, Doris Riley, Louise Roberts, William Roberts, Walter Robinson, Rogers, Savaria, Shepard, Gerald R. Smith, Stark, Stio and James Whittemore.

ROCKINGHAM: Ames, Belanger, Beliveau, Blaisdell, Blake, Burdick, Butler, Campbell, Case, Cressy, Danderson, Day, Ellyson, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Gregorio, Hollingworth, John Hynes, Joslyn, Kane, Katsakiores, Glenden Kelley, Roger King, Longworth, Mace, Malcolm, Robert Mason, William Moore, Nagel, Nevins, Newell, Palumbo, Parr, Popov, Quimby, Scamman, Schmidtschen, Schwaner, Sherburne, Skinner, Sloan, Sochalski, Stork, Sytek, Tavitian, Tufts, Vartanian, Vecchione, Walker, Webster and Woodward.

STRAFFORD: Appleby, Belhumeur, Blouin, Bouchard, Chamberlin, Couture, Dingle, Donnelly, Fielding, Hamel, Hennessey, Hussey, Robert Jones, Lussier, Paul Meader,

Francis Robinson, Gerald L. Smith, Timm, Franklin Torr and Whiting.

SULLIVAN: Cutting, D'Amante, Flint, Gray, Ingram, Palmer and Sara Townsend, and the veto was sustained.

HB 740, relative to the average daily balance method of billing.

Question being, notwithstanding the Governor's veto, shall HB 740 pass.

Reps. Crory, Newman, Wells and Quimby spoke in favor.

Rep. William Roberts spoke against and yielded to questions.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

(Speaker presiding)

YEAS 220 NAYS 124

YEAS 220

BELKNAP: Bastraw, Birch, Bolduc, Bowler, Dexter, French, Golden, Hardy, Lamprey, Nighswander, Pearson, Randall, David Whittlemore and Zeckhausen.

CARROLL: Chase, Kenneth MacDonald, McIntire and Murphy.

CHESHIRE: Barber, Boulter, Eugene Clark, Crane, Davis, Gordon, Grodin, Hickey, Matson, David Meader, Perkins, Perry, Margaret Ramsay, William Riley and Scranton.

COOS: Chappell, Chardon, Coulombe, Langley, Theriault and Valliere.

GRAFTON: Chambers, Christy, Copenhaver, Crory, Densmore, Downing, Duggan, Easton, Girouard, Michael King, Wayne King, Logan, Rounds, Stewart, Taffe, John Townsend and Whitcomb.

HILLSBOROUGH: Debora Ahern, Richard Ahern, Ahlgren, Ahrens, Baker, Bass, Bergeron, Bolan, Boutwell, Burkush, Carragher, Croteau, Cronin, Crotty, Donovan, Duprey, Ford, Galway, Harrington, Head, Daniel Healy, Hendrick, Humphrey, Thomas Hynes, Kashulines, Katsiaficas, Keefe, Evelyn King, John Lawrence, Leclerc, Lynde, Lyons, Martineau, McGlynn, Migneault, Morrisette, Nelson, Nute, O'Rourke, Parmenter, Pressly, Quinn, Rache, Reidy, Robie, Ellen-Ann Robinson, Russell, Silva, B. P. Smith, Leonard Smith, Soucy, Spirou, Stylianos, Mary Sullivan, Talbot, Turgeon, Vachon, Van Loan, Wagner, Wells, Robert Wheeler, M. Arnold Wight, Winn and Zajdel.

MERRIMACK: Bardsley, Bowes, Cate, Samuel Clark, Daniell, Dean, Degnan, Kinhan, Lewis, McDonnell, Mercier, Pannell, Parrish, Phelps, Doris Riley, Louise Roberts, Rogers, Savaria, Stark, Lawrence Sullivan, Trombly and Wallner.

ROCKINGHAM: Bangs, Beliveau, Blanchard, Blanchette, William Boucher, Burdick, Butler, Case, Connors, Cotton, Cressy, Day, Flanagan, John Flanders, Greene, Hollingworth, Joslyn, Glenden Kelley, Kozacka, Krasker, Leslie, LoFranco,

Longworth, Lovejoy, Joseph MacDonald, McLane, Nevins, Newell, Newman, Parr, Pevear, Popov, Quimby, Romoli, Rosencrantz, Schwaner, Sherburne, Simon, Sloan, Sochalski, Splaine, Stork, Tavitian, Tufts, Walker, Warburton, Raymond Wood and Woodward.

STRAFFORD: Appleby, Banks, Belhumeur, Bernard, Blouin, Bouchard, Chagnon, Chamberlin, Couture, Demers, Dingle, Donnelly, Flynn, Robert Jones, Joos, Kincaid, Lussier, Pelley, Francis Robinson, Schreiber and Gerald L. Smith.

SULLIVAN: Brodeur, Carlson, Converse, D'Amante, Gray, Irwin, Paul Johnson, Susan Lawrence and Sara Townsend.

NAYS 124

BELKNAP: Robert Hawkins, Holbrook, Matthew Locke and Sanders.

CARROLL: Ashnault, Chandler, Dickinson, Heath, Robert Holmes, Hraba, Powers and Saunders.

CHESHIRE: Daniel Eaton, Galloway, Lane, Robert Moore, Morse and Parker.

COOS: Brideau, Harold Burns, Guay, Horton, David King, George Lemire and Oleson.

GRAFTON: Blair, Driscoll, Hutchings, LaMott, McAvoy, Walter, Ward and Weymouth.

HILLSBOROUGH: Arnold, John Burns, Leslie Burns, Charbonneau, Craig, William Dion, Duffett, Durant, Clyde Eaton, Joseph Eaton, Fields, Fried, Gagnon, Grip, George Hawkins, Walter Healy, Jean, Robert Kelley, Knight, Labombarde, Levesque, Howard Mason, Nickerson, Paradis, Marjorie Peters, Sallada, Steiner, James Sullivan, Tamposi, Ware, Geraldine Watson, Harold Watson, Emma Wheeler, Kenneth Wheeler and Lucille Wood.

MERRIMACK: Allgeyer, Anderson, Bibbo, Laurent Boucher, Gross, Mary Holmes, Kidder, LaBranche, Arthur Locke, Nichols, William Roberts, Shepard, Gerald R. Smith, Stio and James Whittlemore.

ROCKINGHAM: Ames, Belanger, Blaisdell, Blake, Campbell, Carpenito, Danderson, Ellyson, Harry Flanders, Beverly Gage, Thomas Gage, Gregorio, John Hynes, Kane, Katsakiores, Roger King, Mace, Malcolm, Robert Mason, William Moore, Nagel, Palumbo, Scamman, Schmidtchen, Skinner, Sytek, Vartanian, Vecchione and Webster.

STRAFFORD: Albert Dionne, Hamel, Hennessey, Hussey, Paul Meader, Timm, Franklin Torr and Whiting.

SULLIVAN: Cutting, Flint, Ingram and Palmer, and the veto was sustained.

HB 328, authorizing towns to establish general reserve funds for any purpose for which a town may raise money.

Question being, notwithstanding the Governor's veto, shall HB 328 pass.

Reps. Sloan, Joseph Eaton and Matson spoke in favor.

Rep. Scamman spoke against and yielded to questions.

Reps. John Lawrence and Lamprey spoke in favor and yielded to questions.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

(Speaker presiding)

YEAS 244 NAYS 101

YEAS 244

BELKNAP: Bastraw, Birch, Bolduc, Bowler, Dexter, French, Golden, Hardy, Robert Hawkins, Lamprey, Pearson, Randall and Sanders.

CARROLL: Chase, Hraba, Kenneth MacDonald, McIntire, Murphy and Powers.

CHESHIRE: Barber, Eugene Clark, Davis, Daniel Eaton, Galloway, Gordon, Grodin, Hickey, Lane, Matson, David Meader, Morse, Parker, Perkins, Perry, Margaret Ramsay, William Riley and Scranton.

COOS: Brideau, Chappell, Chardon, David King, Langley, George Lemire, Oleson and Theriault.

CRAFTON: Blair, Chambers, Christy, Copenhaver, Crory, Densmore, Downing, Easton, Girouard, Hutchings, Michael King, Wayne King, Rounds, Stewart, Taffe, John Townsend, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Debora Ahern, Richard Ahern, Ahlgren, Baker, Bass, Bergeron, Boutwell, Burkush, Charbonneau, Cote, Cronin, Crotty, William Dion, Donovan, Duffett, Joseph Eaton, Ford, Gagnon, Galway, Grip, Harrington, Head, Hendrick, Humphrey, Jean, Kaklamanos, Kashulines, Katsiaticas, Keefe, Robert Kelley, Evelyn King, John Lawrence, Leclerc, David Lemire, Levesque, Lynde, Lyons, McGlynn, Migneault, Morrisette, Nelson, O'Rourke, Parmenter, Pressly, Quinn, Raiche, Reidy, Robie, Ellen-Ann Robinson, Russell, Leonard Smith, Soucy, Spirou, Stylianos, James Sullivan, Mary Sullivan, Talbot, Vachon, Van Loan, Roger Wallace, Robert Wheeler, M. Arnold Wight, Winn, Lucille Wood and Zajdel.

MERRIMACK: Allgeyer, Anderson, Bardsley, Bowes, Samuel Clark, Daniell, Dean, Gross, Mary Holmes, Kidder, Kinhan, Lewis, Mercier, Pannell, Parrish, Doris Riley, Louise Roberts, Rogers, Savaria, Gerald R. Smith, Stark, Lawrence Sullivan, Trombly, Underwood and Wallner.

ROCKINGHAM: Bangs, Beliveau, Benton, Blake, Blanchard, Blanchette, William Boucher, Butler, Case, Connors, Cotton, Cressy, Danderson, Day, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Greene, Gregorio, Hollingworth, Joslyn, Glenden Kelley, Roger King, Kozacka, Krasker, Leslie, LoFranco, Lovejoy, Joseph MacDonald, Robert Mason, McLane, William

Moore, Nagel, Nevins, Newman, Parr, Pevear, Popov, Quimby, Romoli, Rosencrantz, Schwaner, Sherburne, Simon, Skinner, Sloan, Sochalski, Splaine, Sytek, Tavitian, Walker, Warburton, Raymond Wood and Woodward.

STRAFFORD: Appleby, Banks, Bernard, Blouin, Bouchard, Chagnon, Couture, Demers, Dingle, Albert Dionne, Donnelly, Flynn, Hamel, Hennessey, Robert Jones, Joos, Kincaid, Paul Meader, Pelley, Francis Robinson, Schreiber, Gerald L. Smith, Timm and Whiting.

SULLIVAN: Carlson, Converse, Flint, Gray, Irwin, Paul Johnson, Susan Lawrence, Palmer and Sara Townsend.

NAYS 101

BELKNAP: Holbrook, Matthew Locke and David Whittemore.

CARROLL: Ashnault, Chandler, Dickinson, Heath, Robert Holmes and Saunders.

CHESHIRE: Boulter, Crane, Elmer Johnson and Robert Moore.

COOS: Harold Burns, Coulombe, Guay, Horton and Valliere.

CRAFTON: Driscoll, Duggan, LaMott, Logan and McAvoy.

HILLSBOROUGH: Ahrens, Arnold, Bolan, John Burns, Leslie Burns, Carragher, Craig, Duprey, Durant, Clyde Eaton, Fields, Fried, George Hawkins, Walter Healy, Thomas Hynes, Knight, Labombarde, Martineau, Howard Mason, Nickerson, Nute, Paradis, Marjorie Peters, Sallada, Silva, B. P. Smith, Steiner, Tamposi, Turgeon, Ware, Geraldine Watson, Harold Watson, Wells, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Bibbo, Laurent Boucher, Cate, Degnan, LaBranche, Arthur Locke, McDonnell, Nichols, Phelps, William Roberts, Shepard, Stio and James Whittemore.

ROCKINGHAM: Ames, Belanger, Blaisdell, Burdick, Campbell, Carpenito, Ellyson, John Hynes, Kane, Katsakiores, Longworth, Mace, Malcolm, Newell, Palumbo, Scamman, Stork, Tufts, Vartanian, Vecchione and Webster.

STRAFFORD: Belhumeur, Fielding, Hussey, Lussier and Franklin Torr.

SULLIVAN: Brodeur, Cutting, D'Amante and Ingram, and the veto was overridden by the constitutional requirement of two-thirds.

Rep. James Chamberlin notified the Clerk that he wished to be recorded in favor of overriding the veto on HB 328.

#### INTRODUCTION OF GUESTS

Mrs. Gladys Burdick and Mrs. Lorrie Belinsky, wife and daughter of Rep. Burdick; Rogerio Fiviani from Sao Paulo, Brazil, guest of Reps. Raiche and Demers.

#### RECESS



## AFTER RECESS

(Speaker in the Chair)

## SUSPENSION OF RULES

Reps. Rounds and Spirou moved that the Joint Rules be so far suspended as to permit consideration of the Committee of Conference report on SB 25, relative to the issuance of state bonds and notes, after the deadline.

Adopted by the necessary two-thirds.

## COMMITTEE OF CONFERENCE REPORT ON SB 25

The committee of conference to which was referred Senate Bill 25-FN, An Act relative to the issuance of state bonds and notes, having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 204-C:20, I as inserted by section 10 of the bill by striking out same and inserting in place thereof the following:

I. That, with respect to rental multi-family housing, eligible elderly and low income person and families can afford the adjusted rentals or carrying charges set for a reasonable number, as determined by the authority, but in no event fewer than 1/8 of the units in the housing, to be financed pursuant to such commitment without the expenditure of more than 25 percent of their annual income for basic shelter cost, including the additional cost, if any, of heat, hot water, and other utilities, except telephone; provided, however, that, if necessary to make the project financially feasible, such percentage of annual income may be increased to 32 percent; and provided further that, if, in order to meet federal requirements or to obtain federal assistance, a different percentage of annual income shall be required, then such percentage of annual income shall be increased, or based on the federal requirement, if applicable.

Amend RSA 204-C:22, II as inserted by section 11 of the bill by striking out same and inserting in place thereof the following:

II. The rent or carrying charge to be charged to elderly and low income persons and families which rent shall be sufficiently low in the judgment of the authority for at least a reasonable number of the dwelling units, but in no event fewer than 1/8 of such units, to be provided by such housing to enable such persons and families to occupy such units without the expenditure of more than 25 percent of their annual income for basic shelter cost, including the additional cost, if any, of heat, hot water, and other utilities, except telephone; provided, however, that, if necessary to make the project financially

feasible, such percentage of annual income may be increased to 32 percent; and provided further that, if, in order to meet federal requirements or to obtain federal assistance, a different percentage of annual income shall be required, then such percentage of annual income shall be increased or based on the federal requirement, if applicable.

Amend the bill by striking out section 13 and inserting in place thereof the following:

13 Percentage Increase. Amend RSA 204-C:16, V (supp) as inserted by 1981, 466:2 by striking out said paragraph and inserting in place thereof the following:

V. With respect to any rental housing, an eligible mortgagor may not in any one year make distributions of income or earnings from or have equity in, or indebtedness from, housing financed by the authority in excess of the amounts prescribed by the rules of the authority; but, in no event, shall a mortgagor make distributions of income of the mortgagor in any one year in excess of a percentage determined by the authority but not in excess of 12 percent on a cumulative basis, of the mortgagor's equity in such housing, which for the purposes of this chapter shall be the development cost of the housing, as determined by the authority at the time of making the final mortgage advance, less the amount of the final advance of the mortgage loan to the eligible mortgagor. Such mortgagor's equity shall remain constant as long as the authority's mortgage shall be outstanding.

## 14. Effective Date.

I. Section 2 of this act shall take effect July 1, 1983.

II. The remainder of this act shall take effect upon its passage.

Conferees on the Part of the Senate:

Sens. Freeze, Dist. 4; Bartlett, Dist. 19 and Stephen, Dist. 18

Conferees on the Part of the House:

Reps. Ramsay, Ches. 5; Schmidtchen, Rock. 3; Langley, Coos 2 and King, Graf. 13

Rep. Langley moved that the House adopt the report and spoke to his motion.

Reps. Michael King and Margaret Ramsay spoke in favor of the report.

Rep. Spirou spoke against the report.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 275 NAYS 66

YEAS 275

BELKNAP: Bastraw, Birch, Bolduc, Bowler, French, Golden, Hardy, Robert Hawkins, Holbrook, Lamprey, Nighswander, Pearson, Randall, Sanders, David Whittemore and Zeckhausen.

CARROLL: Ashnault, Chase, Dickinson, Robert Holmes, Hraba, Kenneth MacDonald, McIntire, Murphy, Powers and Saunders.



CHESHIRE: Boulter, Eugene Clark, Crane, Davis, Daniel Eaton, Gordon, Grodin, Hickey, Lane, David Meader, Morse, Parker, Perkins, Perry, Margaret Ramsay, William Riley and Scranton.

COOS: Brideau, Harold Burns, Chappell, Chardon, Coulombe, Guay, Horton, David King, Langley, George Lemire, Oleson, Theriault and Valliere.

GRAFTON: Copenhaver, Densmore, Downing, Driscoll, Duggan, Easton, Girouard, Harnish, Hutchings, Michael King, Wayne King, Mann, Rounds, Taffe, John Townsend, Walter, Ward and Whitcomb.

HILLSBOROUGH: Richard Ahern, Ahrens, Bass, Bergeron, Boutwell, Burkush, John Burns, Leslie Burns, Carragher, Charbonneau, Cote, Cronin, William Dion, Duffett, Duprey, Durant, Clyde Eaton, Joseph Eaton, Fields, Ford, Fried, Gagnon, Grip, Harrington, George Hawkins, Head, Daniel Healy, Hendrick, Humphrey, Jean, Kaklamanos, Kashulines, Katsiaficas, Keefe, Robert Kelley, Knight, Labombarde, John Lawrence, Leclerc, David Lemire, Lynde, Lyons, Lesteneau, Howard Mason, McGlynn, Migneault, Morrisette, Nelson, Nickerson, O'Rourke, Paradis, Parmenter, Marjorie Peters, Quinn, Raiche, Robie, Ellen-Ann Robinson, Roy, Russell, Sallada, Leonard Smith, Soucy, Steiner, Stylianos, James Sullivan, Mary Sullivan, Sylvia, Talbot, Turgeon, Vachon, Van Loan, Wagner, Roger Wallace, Harold Watson, M. Arnold Wight, Winn and Zajdel.

MERRIMACK: Allgeyer, Anderson, Bardsley, Bibbo, Laurent Boucher, Bowes, Cate, Samuel Clark, Degnan, Mary Holmes, Kinhan, LaBranche, Lewis, McDonnell, Mercier, Nichols, Pannell, Parrish, Phelps, Doris Riley, Louise Roberts, William Roberts, Rogers, Savaria, Stark, Stio, Lawrence Sullivan, Trombly, Wallner and James Whittemore.

ROCKINGHAM: Belanger, Beliveau, Blaisdell, Blanchard, Blanchette, William Boucher, Butler, Campbell, Carpenito, Case, Connors, Cotton, Cressy, Danderson, Day, John Flanders, Beverly Gage, Greene, Gregorio, Hollingworth, John Hynes, Kane, Katsakiores, Glenden Kelley, Roger King, Kozacka, Leslie, LoFranco, Lovejoy, Joseph MacDonald, Mace, Malcolm, Robert Mason, William Moore, Nevins, Newell, Palumbo, Parr, Pevear, Popov, Quimby, Romoli, Rosencrantz, Scamman, Schmidtchen, Schwaner, Sherburne, Skinner, Sloan, Sochalski, Splaine, Sytek, Tavitian, Tufts, Vartanian, Vecchione, Walker, Warburton, Webster, Raymond Wood and Woodward.

STRAFFORD: Belhumeur, Bernard, Bouchard, Chagnon, Chamberlin, Couture, Dingle, Albert Dionne, Donnelly, Fielding, Flynn, Hennessey, Hussey, Robert Jones, Joos, Kincaid, Paul Meader, Pelley, Francis Robinson, Sackett, Schreiber, Timm, Franklin Torr and Whiting.

SULLIVAN: Brodeur, Converse, Cutting, Flint, Gray, Ingram, Paul Johnson, Susan Lawrence and Sara Townsend.

NAYS 66

BELKNAP: Dexter, Gary Dionne and Matthew Locke.

CARROLL: Chandler and Heath.

CHESHIRE: Barber and Galloway.

COOS: None.

GRAFTON: Blair, Chambers, Christy, Crory, Logan, McAvoy, Stewart and Weymouth.

HILLSBOROUGH: Ahlgren, Arnold, Bolan, Craig, Crotty, Donovan, Galway, Walter Healy, Thomas Hynes, Evelyn King, Levesque, Nute, Pressly, Reidy, Resch, Silva, B. P. Smith, Spirou, Tamosi, Ware, Geraldine Watson, Wells, Emma Wheeler, Kenneth Wheeler and Robert Wheeler.

MERRIMACK: Chynoweth, Daniell, Dean, Gross, Arthur Locke and Shepard.

ROCKINGHAM: Ames, Blake, Burdick, Ellyson, Harry Flanders, Thomas Gage, Joslyn, Krasker, McLane, Newman and Stork.

STRAFFORD: Appleby, Banks, Blouin, Demers, Hamel and Lussier.

SULLIVAN: Carlson, D'Amante and Irwin, and the report was adopted.

#### SUSPENSION OF RULES

Reps. Rounds and Spirou moved that the Rules be so far suspended as to permit the introduction and consideration at the present time of HR 38, urging that high priority be given to the cleanup of the Somersworth hazardous waste site, after the deadlines.

Rep. Demers spoke in favor of the motion and yielded to questions.

Adopted by the necessary two-thirds.

Rep. Demers moved that that HR 38, urging that high priority be given to the cleanup of the Somersworth hazardous waste site, be passed at the present time.

Adopted.

Ordered to third reading.

#### SENATE MESSAGE

##### REQUESTS CONCURRENCE WITH AMENDMENT

HB 674, increasing the tax rate imposed under the business profits tax and making appropriations for certain purposes. (Amendment printed SJ 6/28)

Rep. Rounds moved that the House concur, spoke to his motion and yielded to questions.

Rep. Sara Townsend spoke in favor of the motion and yielded to questions.

Rep. Spirou spoke against the motion.

(Speaker Pro Tem in the Chair)

Rep. Joseph Eaton spoke in favor of the motion.

Reps. Kidder and Tucker spoke in favor of the motion and yielded to questions.

Rep. Russell moved the previous question. Sufficiently seconded.

Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker Pro Tem presiding)

YEAS 215 NAYS 139

YEAS 215

BELKNAP: Bastraw, Birch, Bowler, Dexter, Golden, Hardy, Robert Hawkins, Holbrook, Lamprey, Matthew Locke, Nighswander, Pearson, Randall, Sanders, David Whittemore and Zeckhausen.

CARROLL: Ashnault, Chandler, Chase, Dickinson, Heath, Robert Holmes, Hraba, Kenneth MacDonald, McIntire, Murphy, Powers and Saunders.

CHESHIRE: Davis, Gordon, Grodin, Lane, Morse, Parker, Perry, Margaret Ramsay and Scranton.

COOS: Harold Burns, Chappell, Chardon, Guay, Horton, David King, Langley and Oleson.

GRAFTON: Christy, Downing, Driscoll, Duggan, Easton, Harnish, Hutchings, LaMott, Logan, Mann, McAvoy, Rounds, Taffe, John Townsend, Walter, Ward, Weymouth and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Bass, Bergeron, Bolan, Boutwell, John Burns, Leslie Burns, Carragher, Charbonneau, Craig, Duffett, Duprey, Clyde Eaton, Joseph Eaton, Fields, Ford, Fried, Galway, Grip, Harrington, George Hawkins, Head, Humphrey, Thomas Hynes, Kashulines, Keefe, Robert Kelley, Knight, Labombarde, John Lawrence, Martineau, Howard Mason, Nickerson, Paradis, Marjorie Peters, Ellen-Ann Robinson, Russell, Sallada, Silva, B. P. Smith, Leonard Smith, Steiner, Stylianos, James Sullivan, Sylvia, Tamposi, Van Loan, Ware, Geraldine Watson, Harold Watson, Wells, Emma Wheeler, Kenneth Wheeler and M. Arnold Wight.

MERRIMACK: Allgeyer, Anderson, Bardsley, Bibbo, Laurent Boucher, Bowes, Cate, Samuel Clark, Dean, Gross, Mary Holmes, Kidder, Kinhan, Lewis, Arthur Locke, McDonnell, Nichols, Phelps, Doris Riley, William Roberts, Rogers, Shepard, Gerald R. Smith, Stark, Stio, Underwood and James Whittemore.

ROCKINGHAM: Ames, Beliveau, Benton, Blaisdell, Blake, William Boucher, Burdick, Butler, Campbell, Danderson, Day, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Greene, Gregorio, Joslyn, Kane, Katsakiores, Roger King, Longworth, Lovejoy, Mace, Malcolm, Robert Mason, William Moore, Nagel, Nevins, Newell, Palumbo, Parr, Quimby, Romoli, Scamman, Schmidtchen, Schwaner, Skinner, Sloan, Sochalski, Splaine, Stork, Sytek, Tavitian, Tufts, Vartanian, Vecchione, Walker, Warburton, Webster and Woodward.

STRAFFORD: Chamberlin, Dingle, Fielding, Hennessey, Robert Jones, Kincaid, Paul Meader, Francis Robinson, Sackett, Timm, Franklin Torr and Whiting.

SULLIVAN: Flint, Gray, Ingram, Palmer, Sara Townsend and Tucker.

NAYS 139

BELKNAP: Bolduc and Gary Dionne.

CARROLL: None.

CHESHIRE: Barber, Boulter, Eugene Clark, Crane, Daniel Eaton, Galloway, Hickey, Matson, David Meader, Michaelides, Perkins and William Riley.

COOS: Brideau, Coulombe, Theriault and Valliere.

GRAFTON: Blair, Chambers, Copenhaver, Crory, Densmore, Girouard, Michael King, Wayne King and Stewart.

HILLSBOROUGH: Debora Ahern, Richard Ahern, Ahlgren, Baker, Burkush, Cote, Cronin, Crotty, William Dion, Donovan, Durant, Gagnon, Daniel Healy, Walter Healy, Hendrick, Jean, Kaklamanos, Katsiaficas, Evelyn King, Leclerc, David Lemire, Roland Lemire, Levesque, Lynde, Lyons, McGlynn, Migneault, Morrisette, Nelson, Nute, O'Rourke, Parmenter, Pressly, Quinn, Raiche, Reidy, Resch, Robie, Roy, Soucy, Spirou, Mary Sullivan, Talbot, Turgeon, Vachon, Wagner, Roger Wallace, Robert Wheeler, Winn and Zajdel.

MERRIMACK: Chynoweth, Daniell, Degnan, LaBranche, Mercier, Pannell, Parrish, Louise Roberts, Savaria, Lawrence Sullivan, Trombly and Wallner.

ROCKINGHAM: Belanger, Blanchard, Blanchette, Carpenito, Case, Connors, Cotton, Cressy, Ellyson, Hollingworth, John Hynes, Glenden Kelley, Kozacka, Krasker, Leslie, LoFranco, Joseph MacDonald, McLane, Newman, Pevar, Popov, Rosencrantz, Sherburne and Raymond Wood.

STRAFFORD: Appleby, Banks, Belhumeur, Bernard, Blouin, Bouchard, Chagnon, Couture, Demers, Albert Dionne, Donnelly, Flynn, Hamel, Hussey, Joos, Lussier, Pelley and Schreiber.

SULLIVAN: Brodeur, Carlson, Converse, Cutting, D'Amante, Irwin, Paul Johnson and Susan Lawrence, and the House concurred with the Senate amendment.

(Speaker in the Chair)

VETO MESSAGE ON HB 237

To the Honorable Members of the General Court

I hereby veto House Bill 237, relative to employment termination.

This bill would require any employer who is so requested to state in writing the reasons the employee is being terminated. This bill applies to employers in both the private and public sector and unreasonably restricts their prerogatives in dealing with difficult employment situations.

The entire burden in this bill is placed on the employer to specify and then defend

his or her decision to terminate--even during a critical probationary period. Employees will certainly challenge the written statement provided and the statement may even subject the employer to civil liability arising out of the reason stated.

As school districts are well aware, the probationary period of employment is a critical element in properly managing and administering the quality of education. This is similarly true in countless other occupational areas and this bill destroys the concept of a trial period of employment and thereby creates many more problems than it attempts to solve.

I have stated publicly on numerous occasions that I believe this state has a healthy employee-employer environment that produces fine results for the benefit of the economy in our state. This bill clearly upsets this delicate balance and will cause considerable problems for both managers and the working men and women of our state.

John H. Sununu, Governor

Question being, notwithstanding the Governor's veto, shall HB 237 pass.

Rep. Murphy spoke in favor.

Rep. Robert Hawkins spoke in favor and yielded to questions.

(Speaker presiding)  
YEAS 213 NAYS 126  
YEAS 213

BELKNAP: Bastrow, Birch, Bolduc, Bowler, Gary Dionne, French, Golden, Hardy, Robert Hawkins, Lamprey, Nighswander, Randall and Sanders.

CARROLL: Robert Holmes, Hraba, Kenneth MacDonald and Murphy.

CHESHIRE: Barber, Boulter, Eugene Clark, Crane, Davis, Daniel Eaton, Gordon, Grodin, Matson, David Meader, Michaelides, Perkins and William Riley.

COOS: Brideau, Chappell, Chardon, Coulombe, David King, Langley, Oleson, Theriault and Valliere.

GRAFTON: Copenhaver, Crory, Densmore, Downing, Duggan, Easton, Girouard, Harnish, Hutchings, Michael King, Wayne King, Logan, Mann, Rounds, Taffe, John Townsend, Walter, Weymouth and Whitcomb.

HILLSBOROUGH: Debora Ahern, Richard Ahern, Ahlgren, Baker, Bergeron, Boutwell, Burkush, Carragher, Cote, Cronin, Crotty, William Dion, Donovan, Durant, Gagnon, Galway, Harrington, Daniel Healy, Hendrick, Humphrey, Jean, Kaklamanos, Kashulines, Katsiaficas, Evelyn King, Leclerc, David Lemire, Roland Lemire, Lynde, Lyons, McGlynn, Migneault, Morrisette, Nelson, O'Rourke, Parmenter, Marjorie Peters, Pressly, Quinn, Raiche, Reidy, Resch, Robie, Roy, Russell, Silva, Leonard Smith, Soucy, Spirou, James Sullivan, Mary Sullivan, Turgeon, Vachon, Van Loan, Wagner, Emma Wheeler, Robert Wheeler, M. Arnold Wight, Winn and Zajdel.

MERRIMACK: Anderson, Bardsley, Bowes, Chynoweth, Samuel Clark, Daniell, Degnan, Kidder, Kinhan, Mercier, Pannell, Savaria, Stark, Lawrence Sullivan and Wallner.

ROCKINGHAM: Belanger, Beliveau, Blaisdell, Blake, Blanchard, Blanchette, William Boucher, Burdick, Butler, Carpenito, Connors, Cotton, Cressy, Day, Flanagan, Harry Flanders, John Flanders, Beverly Cage, John Hynes, Joslyn, Glenden Kelley, Kozacka, Krasker, Leslie, Longworth, Joseph MacDonald, Mace, McLane, Nagel, Newell, Parr, Pevear, Popov, Quimby, Romoli, Rosencrantz, Scamman, Sherburne, Skinner, Sochalski, Splaine, Tufts, Vartanian, Webster, Raymond Wood and Woodward.

STRAFFORD: Banks, Belhumeur, Bernard, Blouin, Bouchard, Chagnon, Chamberlin, Couture, Demers, Dingle, Albert Dionne, Donnelly, Flynn, Hamel, Joos, Kincaid, Lussier, Paul Meader, Pelley, Francis Robinson, Sackett, Schreiber, Timm and Whiting.

SULLIVAN: Brodeur, Carlson, Converse, Gray, Ingram, Irwin, Paul Johnson, Susan Lawrence, Palmer and Sara Townsend.

NAYS 126

BELKNAP: Dexter, Holbrook, Matthew Locke, Pearson, David Whittemore and Zeckhausen.

CARROLL: Chandler, Chase, Dickinson, Heath, McIntire, Powers and Saunders.

CHESHIRE: Galloway, Elmer Johnson, Lane, Morse, Parker, Perry and Scranton.

COOS: Harold Burns, Guay and Horton.

GRAFTON: Blair, Christy, Driscoll, McAvoy, Stewart and Ward.

HILLSBOROUGH: Ahrens, Arnold, Bass, Bolan, John Burns, Leslie Burns, Charbonneau, Craig, Duffett, Duprey, Clyde Eaton, Joseph Eaton, Ford, Fried, Grip, George Hawkins, Head, Walter Healy, Thomas Hynes, Keefe, Robert Kelley, Knight, Labombarde, John Lawrence, Levesque, Martineau, Howard Mason, Nickerson, Nute, Paradis, Ellen-Ann Robinson, Sallada, B. P. Smith, Steiner, Stylianos, Sylvia, Talbot, Tamposi, Ware, Geraldine Watson, Wells and Kenneth Wheeler.

MERRIMACK: Allgeyer, Laurent Boucher, Dean, Gross, Mary Holmes, LaBranche, Lewis, Arthur Locke, McDonnell, Nichols, Phelps, Doris Riley, Louise Roberts, William Roberts, Rogers, Shepard, Stio and James Whittemore.

ROCKINGHAM: Ames, Benton, Campbell, Case, Danderson, Ellyson, Thomas Gage, Greene, Gregorio, Kane, Katsakiores, Roger King, LoFranco, Lovejoy, Malcolm, Robert Mason, William Moore, Nevins, Palumbo, Schmidtchen, Schwaner, Sloan, Stork, Sytek, Tatvian, Vecchione, Walker and Warburton.

STRAFFORD: Appleby, Fielding, Hennessey, Hussey, Robert Jones and Franklin Torr.

SULLIVAN: Cutting, D'Amante and Flint, and the veto was sustained.

# VETO MESSAGE ON HB 265

To the Honorable Members of the General Court

After considerable deliberation and discussion, I have decided to veto House Bill 265, a bill which limits the grounds for the evictions of tenants from rental units and eliminates the appeals to the Superior Court in landlord/tenant cases. I veto this bill because I believe it unreasonably restricts both the rights of tenants and the rights of property owners.

In the case of property owners, this bill attempts to remove New Hampshire from the overwhelming majority of states which rely on broad, common-law provisions governing the eviction of tenants from rental units. This legislation insists that a landlord evict a tenant only when the landlord can specifically state that the reason for eviction is one of the enumerated reasons listed in the bill. If the landlord has any other reason for wishing to evict an unwanted tenant, he must provide notice in writing and then wait a full year before any action may be taken.

While I am sure considerable attention was paid by responsible legislators to providing the list of reasons for termination of a tenancy, the bill specifies that an owner of property may terminate such a tenancy "only for one of the following reasons." This not only establishes an unreasonable restraint upon the contractual rights of the parties, but it also places a significant burden of proof on the property owner to prove in court the specific reason for termination. Anyone who has participated in a landlord/tenant court recognizes the unreality of attempting to bring tenants into court to testify against tenants, forcing the elderly to appear in court to testify as witnesses, and the other problems associated with the clogged and cumbersome landlord/tenant judicial process.

Finally, I am troubled that in an effort to establish a list that will limit the grounds for evictions, tenants under this bill have given up an important right in their search for equal justice under law. This bill eliminates the right of a tenant who believes that he has been denied due process of law from appealing the judgment of a District or Municipal Court to the Superior Court for a jury trial. Under this bill, an individual under no circumstances would be permitted to have a jury trial since the only appeal possible would be to the New Hampshire Supreme Court. I believe that tenants under certain circumstances should be permitted to have a de novo trial by a jury of their peers.

I am cognizant of the time spent in attempting to provide responsible legislation in this important area, and I am disappointed that this specific bill fails to meet several critical criteria and must, therefore, be vetoed. I am willing to work with both tenant groups and property owners in drafting legislation to achieve an equitable result in this important area.

John H. Sununu, Governor

Question being, notwithstanding the Governor's veto, shall HB 265 pass.

Reps. Pressly, Lynde, Wayne King and Spirou spoke in favor.

Reps. Vecchione, Vartanian and Ahlgren spoke against.

Reps. Michael King and Quimby spoke in favor and yielded to questions.

Rep. Sara Townsend moved the previous question. Sufficiently seconded. Adopted.

Rep. Hollingworth abstained from voting under Rule 16.

(Speaker presiding)

YEAS 194 NAYS 149

YEAS 194

BELKNAP: Bastraw, Birch, Bolduc, Bowler, Gary Dionne, French, Golden, Hardy, Nighswander, Pearson, Randall, Sanders, David Whittemore and Zeckhausen.

CARROLL: Hraba, Kenneth MacDonald and Murphy.

CHESHIRE: Barber, Crane, Davis, Daniel Eaton, Gordon, Grodin, Hickey, Matsson, David Meader, Michaelides, Perkins, Perry, Margaret Ramsay, William Riley and Scranton.

COOS: Bideau, Harold Burns, Chardon, Coulombe, Langley, George Lemire, Theriault and Valliere.

GRAFTON: Chambers, Copenhaver, Crory, Densmore, Downing, Easton, Girouard, Hutchings, Michael King, Wayne King, Logan, Mann, Rounds, Stewart, Taffe, John Townsend, Weymouth and Whitcomb.

HILLSBOROUGH: Debora Ahern, Richard Ahern, Baker, Bergeron, Boutwell, Burkush, Cote, Crotty, Donovan, Durant, Joseph Eaton, Ford, Gagnon, Galway, Harrington, Head, Humphrey, Thomas Hynes, Jean, Kaklamanos, Kashulines, Katsiaficas, Keefe, John Lawrence, Leclerc, Lynde, Lyons, McGlynn, Migneault, Morrisette, Nelson, Parmenter, Marjorie Peters, Pressly, Quinn, Raiche, Reidy, Resch, Robie, Ellen-Ann Robinson, Roy, Russell, Silva, Leonard Smith, Soucy, Spirou, James Sullivan, Turgeon, Vachon, Van Loan, Robert Wheeler, M. Arnold Wight and Winn.

MERRIMACK: Allgeyer, Anderson, Bardsley, Bowes, Chynoweth, Samuel Clark, Daniell, Dean, Degnan, Mary Holmes, Kidder, Kinhan, Mercier, Parrish, Rogers, Savaria, Stark, Lawrence Sullivan and Wallner.

ROCKINGHAM: Belanger, Beliveau, Blanchard, Blanchette, William Boucher, Butler, Carpenito, Case, Connors, Cotton, Cressy, Day, Flanagan, John Flanders, Beverly Gage, Greene, John Hynes, Joslyn, Kane, Glenden Kelley, Kozacka, Krasker, Leslie, Longworth, Lovejoy, Joseph MacDonald, McLane, Newell, Newman, Parr, Pevear, Popov, Quimby, Romoli, Rosencrantz, Sherburne, Sochalski, Splaine, Walker, Warburton, Raymond Wood and Woodward.

STRAFFORD: Banks, Blouin, Chamberlin, Demers, Dingle, Albert Dionne, Donnelly,

Flynn, Hamel, Hennessey, Joos, Kincaid, Lussier, Pelley, Francis Robinson and Sackett.

SULLIVAN: Carlson, Converse, Gray, Irwin, Paul Johnson and Sara Townsend.

NAYS 149

BELKNAP: Dexter, Holbrook, Lamprey and Matthew Locke.

CARROLL: Chandler, Chase, Dickinson, Heath, Robert Holmes, McIntire, Powers and Saunders.

CHESHIRE: Boulter, Eugene Clark, Galloway, Elmer Johnson, Lane, Morse and Parker.

COOS: Chappell, Guay, Horton, David King and Oleson.

GRAFTON: Blair, Christy, Driscoll, Duggan, Harnish, McAvoy, Walter and Ward.

HILLSBOROUGH: Ahlgren, Ahrens, Arnold, Bass, Bolan, John Burns, Leslie Burns, Carragher, Charbonneau, Craig, Cronin, William Dion, Duffett, Duprey, Clyde Eaton, Fields, Fried, Grip, George Hawkins, Daniel Healy, Walter Healy, Robert Kelley, Knight, Labomarde, David Lemire, Roland Lemire, Levesque, Martineau, Howard Mason, Nickerson, Nute, O'Rourke, Paradis, Sallada, B. P. Smith, Steiner, Stylianos, Mary Sullivan, Sylvia, Talbot, Tamposi, Wagner, Roger Wallace, Ware, Geraldine Watson, Harold Watson, Wells, Emma Wheeler, Kenneth Wheeler, James J. White and Zajdel.

MERRIMACK: Bibbo, Cate, Gross, LaBranche, Lewis, Arthur Locke, McDonnell, Nichols, Pannell, Phelps, Doris Riley, Louise Roberts, William Roberts, Shepard, Gerald R. Smith and James Whittemore.

ROCKINGHAM: Ames, Benton, Blaisdell, Blake, Burdick, Campbell, Danderson, Ellyson, Harry Flanders, Thomas Gage, Gregorio, Katsakiores, Roger King, LoFranco, Mace, Malcolm, Robert Mason, William Moore, Nagel, Nevins, Palumbo, Scamman, Schmidtchen, Schwaner, Skinner, Sloan, Stork, Sytek, Tavitian, Vartanian, Vecchione and Webster.

STRAFFORD: Appleby, Belhumeur, Bernard, Bouchard, Chagnon, Couture, Fielding, Hussey, Robert Jones, Paul Meader, Timm and Franklin Torr.

SULLIVAN: Brodeur, Cutting, D'Amante, Ingram, Susan Lawrence and Palmer, and the veto was sustained.

Rep. Schreiber notified the Clerk that she wished to be recorded in favor of overriding the veto on HB 265.

Reps. Rounds and Spiro moved that consideration of the Veto messages on House Bills 512, 526, 618, and 783 be made a Special Order for Thursday, June 30th. Adopted.

Rep. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at

the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourn today it be to meet Thursday, June 30th at 10:00 a.m.

Adopted.

#### LATE SESSION

Third reading and final passage

HR 37, relative to the impact of acid rain in New Hampshire.

HR 38, urging that high priority be given to the cleanup of the Somersworth hazardous waste site.

Rep. Rounds moved that the House stand in recess.

Adopted.

#### INTRODUCTION OF GUESTS

Mrs. Robert Resch and Mrs. John Adams, mother and sister of Rep. Resch.

The House recessed at 4:12 p.m.

#### RECESS

(Speaker in the Chair)

Rep. Rounds moved that the House adjourn. Adopted.



# HOUSE JOURNAL 36

*Thursday, 30Jun83*

The House assembled at 10:00 a.m., and was called to order by the Speaker.

Prayer was offered by the House Chaplain, Rev. David W. Bell.

Life has its beginnings and endings. While we mark an ending in this day's session we will also celebrate a beginning in this July 4th weekend. May all our beginnings and endings, our comings and goings be in Your sight dear God. May we never have the feeling we have lost touch with You. As the chapters of our lives come and go we thank You for the reassurance of Your everlasting love. Amen.

Rep. Christy led the Pledge of Allegiance.

The National Anthem was sung accompanied by Rep. Eugene Clark on the organ.

## INTRODUCTION OF GUESTS

The Speaker introduced former Governor Lane Dwinell.

Leila and Lee Love and Binka Popov, guests of Rep. Popov; Patricia Parmenter and Constanz Krusche, guests of Rep. Parmenter; Dorothy Wells and Francis Quarrington, mother and guest of Rep. Wells; students from St. Paul's Advanced Studies Program and their Masters, Lawrence Katzenback and Sanford Sistare; Carol Tucker, wife of the Speaker.

## LEAVES OF ABSENCE

Reps. Eleanor Whittemore, Waldron, Stimmell, Zimmerman, Chisholm, Bowler, Bangs, Brack and Nevins, the day, illness.

Reps. Bardsley, William Sullivan, Lefebvre, Peter Ramsey, Michael Jones, Hickey and Wagner, the day, important business.

## COMMUNICATION

Carl A. Peterson  
House Clerk

Dear Mr. Peterson:

This is to advise that the following representative-elect was sworn into office by the Governor and Council on June 29, 1983: Sullivan County District No. 3 (Sunapee) Constance M. Mehegan, r, Sunapee (P.O. Box 48) 03782

Sincerely,  
William M. Gardner  
Secretary of State

## ENROLLED BILLS REPORT

SB 113, relative to domestic and foreign insurers.

SB 219, relative to voter registration.

HB 674, relative to membership of the advisory budget control committee.

Rep. Francis X. Donovan

Sen. John P.H. Chandler

For the Committee.

## VETO MESSAGE ON HB 526

To the Honorable Members of the General Court

I hereby veto House Bill 526 relative to energy conservation in new building construction. While I am sure this bill was well-intentioned, I believe that the language of the legislation creates bureaucratic confusion and dilutes important decision-making authority.

Under present law, the Council on Energy has the overall responsibility to review and approve state plans relative to certain conservation measures and construction standards for any new construction in the state. Further, the present energy code primarily governs the conduct of architects, engineers, general contractors, and builders and the use of all energy which may be utilized in new construction projects including oil, propane, solar and photovoltaics.

The Energy Office is at the forefront of all innovations in the energy field that could affect the Granite State. Not only does this office have accurate, up-to-date information on the rapidly changing developments in this field, and it has already undertaken efforts to assume strict compliance with energy codes that provide standards for new construction.

This bill would remove all these activities from the Energy Office and place them within the jurisdiction of the already over-burdened Public Utilities Commission. The Public Utilities Commission should not be saddled with a function that can be more adequately administered by an agency which has already proven itself in this area. I do not believe that the utility rate payers should be expected to pay the cost of administering these unnecessary changes to the energy code at this time when energy costs are a recurring problem to the consumer.

John H. Sununu, Governor

Question being, notwithstanding the Governor's veto, shall HB 526 pass.

Reps. M. Arnold Wight and Hollingworth spoke in favor and yielded to questions.

Reps. Vecchione and Palumbo spoke against and yielded to questions.

Reps. Leonard Smith and Spiro spoke in favor.

Rep. French moved the previous question. Sufficiently seconded. Adopted.

(Speaker presiding)  
YEAS 193 NAYS 133  
YEAS 193

BELKNAP: Birch, Bolduc, Gary Dionne, French, Golden, Hardy, Holbrook, Lamprey, Nighswander, Pearson and Zeckhausen.

CARROLL: Robert Holmes, Kenneth MacDonald and Murphy.

CHESHIRE: Eugene Clark, Crane, Davis, Gordon, Grodin, Kennedy, David Meader, Michaelides, Miller, Parker, Perkins, Margaret Ramsay, William Riley and Scranton.

COOS: Chardon, Guay, Langley, Oleson, Theriault and Valliere.

GRAFTON: Chambers, Copenhaver, Crory, Densmore, Downing, Easton, Girouard, Harnish, Hutchings, Michael King, Wayne King, Mann, Rounds, Taffe, John Townsend and Walter.

HILLSBOROUGH: Richard Ahern, Ahrens, Arris, Baker, Bergeron, Boutwell, Burkush, Cote, Cronin, Crotty, Donovan, Joseph Eaton, Ford, Gagnon, Galway, Celinas, Harrington, Daniel Healy, Hendrick, Thomas Hynes, Katsiaficas, Evelyn King, Knight, John Lawrence, Leclerc, Lynde, Lyons, McGlynn, Migneault, Morrisette, Nelson, O'Rourke, Parmenter, Marjorie Peters, Pressly, Quinn, Raiche, Reidy, Resch, Robie, Ellen-Ann Robinson, Russell, Silva, B. P. Smith, Leonard Smith, Soucy, Spirou, Talbot, Turgeon, Vachon, Van Loan, Robert Wheeler, James J. White, M. Arnold Wight, Winn, Lucille Wood and Zajdel.

MERRIMACK: Bowes, Samuel Clark, Dean, Degnan, Mary Holmes, Jacobson, Kinhan, Mercier, Pannell, Parrish, Walter Robinson, Gerald R. Smith, Stark, Lawrence Sullivan, Trombly, Underwood and Walner.

ROCKINGHAM: Blanchard, William Boucher, Butler, Case, Connors, Cotton, Cressy, Day, Flanagan, Harry Flanders, Thomas Gage, Greene, Gregorio, Hollingworth, John Hynes, Joslyn, Kozacka, Krasker, Leslie, LoFranco, Longworth, Lovejoy, Joseph MacDonald, McLane, Newell, Newman, Pantelakos, Parr, Pevear, Popov, Quimby, Romoli, Rosencrantz, Sloan, Splaine, Tufts, Walker, Warburton, Raymond Wood and Woodward.

STRAFFORD: Appleby, Banks, Belhumeur, Bernard, Blouin, Bouchard, Chagnon, Couture, Demers, Albert Dionne, Donnelly, Flynn, Hennessey, Joos, Lussier, Musler, Pelley, Francis Robinson, Sackett, Schreiber and Timm.

SULLIVAN: Carlson, Converse, Cutting, Gray, Paul Johnson, Palmer, Renee and Sara Townsend.

NAYS 133

BELKNAP: Dexter, Matthew Locke, Sanders and David Whittemore.

CARROLL: Ashnault, Chandler, Chase, Dickinson, Heath, Powers and Saunders.

CHESHIRE: Boulter, Daniel Eaton, Lane, Morse and Perry.

COOS: Brideau, Harold Burns, Coulombe, Horton, David King and George Lemire.

CRAFTON: Blair, Christy, Driscoll, Duggan, Logan, McAvoy, Stewart, Weymouth and Whitcomb.

HILLSBOROUGH: Debora Ahern, Arnold, Bass, Bolan, John Burns, Leslie Burns, Carragher, Charbonneau, Craig, William Dion, Duffett, Duprey, Durant, Clyde Eaton, Fields, Fried, George Hawkins, Head, Walter Healy, Jean, Keefe, Robert Kelley, Labombard, Levesque, Howard Mason, Nickerson, Nute, Roy, Sallada, Stylianos, James Sullivan, Mary Sullivan, Tamposi, Ware, Geraldine Watson, Harold Watson, Wells, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Allgeyer, Anderson, Bibbo, Laurent Boucher, Cate, Daniell, Gross, LaBranche, Lewis, Arthur Locke, Nichols, Phelps, Doris Riley, William Roberts, Rogers, Savaria, Shepard, Stio and James Whittemore.

ROCKINGHAM: Ames, Belanger, Beliveau, Benton, Blaisdell, Blake, Burdick, Campbell, Danderson, Ellyson, John Flanders, Kane, Katsakiores, Glenden Kelley, Roger King, Mace, Malcolm, Robert Mason, William Moore, Nagel, Palumbo, Scamman, Schmidtchen, Schwaner, Skinner, Sochalski, Stork, Sytek, Tavitian, Vartanian, Vecchione and Webster.

STRAFFORD: Chamberlin, Dingle, Fielding, Hussey, Robert Jones, Kincaid, Franklin Torr and Whiting.

SULLIVAN: Brodeur, Flint, Ingram and Mehegan, and the veto was sustained.

#### VETO MESSAGE ON HB 618

To the Honorable Members of the General Court

I hereby veto House Bill 618, a bill requiring binding arbitration to resolve labor disagreements involving police and fire employees in any city with a population more than 80,000. I believe that enactment of this legislation would remove from the elected officials of the affected cities a critical element in establishing their budgets. It is clearly the beginning of the end of local control over labor matters of this type.

Enactment of this legislation would mean that the local tax rate in the affected cities could be established by out-of-state arbitrators. Since there is no appeal from this procedure, local officials could never determine in advance the amount needed to balance their budget. This would mean that the voters in the affected cities would have no control over this major cost item which will adversely affect the tax structure in that community. For example, when the City of Oakland, California attempted similar binding arbitration for firefighters in 1975 the arbitrator ordered the City to reinstate 36 positions which had been reduced during a

government reorganization project. The arbitrator further ordered the City to reduce the work period by 4 hours for these positions and ordered the City to hire 66 additional firefighters to absorb the workload. The cost of this arbitrator's decision was \$3,000,000. Arlington, Massachusetts had a similar experience when arbitrators awarded police officers and firefighters increases totalling \$365,000 more than had been appropriated for salary increases in the 1976 town meeting.

A binding arbitration decision in Hartford, Connecticut cost the City of Hartford over \$1,000,000 and the compulsory binding arbitration law was eventually declared unconstitutional by Judge Joseph H. Goldberg, of the Hartford Superior Court. His decision held that the binding arbitration law improperly delegated power to determine contracts to an arbitration panel which was not politically accountable to the elected officials or taxpayers of the state. I agree with that decision.

I believe that the local taxpayers and the local officials of our state should have ultimate authority on this important issue. I urge legislators to maintain this local option. Once the door has been opened, I am convinced that other cities and eventually all New Hampshire communities will face similar binding arbitration proposals.

John H. Sununu, Governor

Question being, notwithstanding the Governor's veto, shall HB 618 pass.

Reps. Warburton and Burkush spoke in favor.

Rep. Arnold spoke against and yielded to questions.

Rep. Tamposi spoke against.

Rep. French moved the previous question. Sufficiently seconded. Adopted.

(Speaker presiding)

YEAS 115 NAYS 209

YEAS 115

BELKNAP: Golden, Hardy and Nighswander.

CARROLL: Murphy.

CHESHIRE: Boulter, Davis, Daniel Eaton, Kennedy, Michaelides, Perkins, Margaret Ramsay and William Riley.

COOS: Coulombe, Langley, George Lemire, Theriault and Valliere.

GRAFTON: Chambers, Copenhaver, Crory, Densmore, Girouard, Hutchings, Michael King, Wayne King, Stewart, Taffe and Whitcomb.

HILLSBOROUGH: Debora Ahern, Richard Ahern, Bergeron, Burkush, Cote, Cronin, Crotty, William Dion, Donovan, Hendrick, Katsiaficas, Evelyn King, Lynde, Lyons, McGlynn, Morrisette, Nelson, O'Rourke, Parmenter, Quinn, Raiche, Reidy, Robie, Roy, Leonard Smith, Soucy, Spirow, James Sullivan, Talbot, Robert Wheeler, Winn and Zajdel.

MERRIMACK: Daniell, Degnan, Kinhan, Mercier, Pannell, Parrish, Savaria, Lawrence Sullivan, Trombly and Wallner.

ROCKINGHAM: Belanger, Blaisdell, Blanchard, Case, Connors, Cotton, Cressy, John Flanders, John Hynes, Katsakiores, Glenden Kelley, Kozacka, Krasker, Leslie, Joseph MacDonald, Newman, Pantelakos, Pevear, Popov, Romoli, Rosencrantz, Splaine, Warburton, Webster and Raymond Wood.

STRAFFORD: Banks, Belhumeur, Bernard, Blouin, Bouchard, Chagnon, Demers, Donnelly, Flynn, Joos, Kincaid, Lussier, Pelley, Sackett and Schreiber.

SULLIVAN: Carlson, Converse, D'Amante, Irwin and Paul Johnson.

NAYS 209

BELKNAP: Birch, Bolduc, Dexter, Gary Dionne, French, Holbrook, Lamprey, Matthew Locke, Pearson, Sanders, David Whittemore and Zeckhausen.

CARROLL: Ashnault, Chandler, Chase, Dickinson, Heath, Robert Holmes, Kenneth MacDonald, Powers and Saunders.

CHESHIRE: Eugene Clark, Crane, Gordon, Grodin, Lane, David Meader, Miller, Morse, Parker, Perry and Scranton.

COOS: Harold Burns, Chardon, Guay, Horton, David King and Oleson.

GRAFTON: Blair, Christy, Downing, Driscoll, Duggan, Easton, Harnish, Logan, Mann, McAvoy, Rounds, John Townsend, Walter and Weymouth.

HILLSBOROUGH: Ahrens, Arnold, Arris, Baker, Bass, Bolan, Boutwell, John Burns, Leslie Burns, Carragher, Charbonneau, Craig, Duffett, Duprey, Durant, Clyde Eaton, Joseph Eaton, Ford, Fried, Galway, Gelinas, Harrington, George Hawkins, Head, Daniel Healy, Walter Healy, Thomas Hynes, Jean, Kashulines, Keefe, Robert Kelley, Knight, Labombarde, John Lawrence, Leclerc, Levesque, Howard Mason, Migneault, Nickerson, Nute, Marjorie Peters, Pressly, Resch, Ellen-Ann Robinson, Russell, Sallada, Silva, B.P. Smith, Stylianos, Mary Sullivan, Tamposi, Turgeon, Van Loan, Ware, Geraldine Watson, Harold Watson, Wells, Emma Wheeler, Kenneth Wheeler, James J. White, M. Arnold Wight and Lucille Wood.

MERRIMACK: Allgeyer, Anderson, Bibbo, Laurent Boucher, Bowes, Cate, Samuel Clark, Dean, Gross, Mary Holmes, Jacobson, LaBranche, Lewis, Arthur Locke, Nichols, Phelps, Doris Riley, William Roberts, Walter Robinson, Rogers, Shepard, Gerald R. Smith, Stark, Stio, Underwood and James Whittemore.

ROCKINGHAM: Ames, Beliveau, Benton, Blake, William Boucher, Burdick, Campbell, Danderson, Day, Ellyson, Flanagan, Harry Flanders, Thomas Cage, Greene, Gregorio, Hollingworth, Joslyn, Kane, Roger King, LoFranco, Longworth, Lovejoy, Mace, Malcolm, Robert Mason, McLane, William Moore, Nagel, Newell, Palumbo, Parr, Quimby, Scamman, Schmidtchen, Schwaner, Skinner, Sloan, Sochalski, Stork, Sytek, Tavitian, Tufts, Vartanian, Vecchione, Walker and Woodward.

STRAFFORD: Appleby, Chamberlin, Couture, Dingle, Albert Dionne, Fielding, Hennessey, Hussey, Robert Jones, Musler, Francis Robinson, Timm, Franklin Torr and Whiting.

SULLIVAN: Brodeur, Cutting, Flint, Gray, Ingram, Mehegan, Palmer, Reney and Sara Townsend, and the veto was sustained.

Rep. Fields notified the Clerk that he wished to be recorded in favor of sustaining the veto on HB 618.

#### RECESS

AFTER RECESS  
(Speaker in the Chair)

#### ENROLLED BILL AMENDMENT

SB 72, relative to transferring necessary rights and easements in and to certain dams to the water resources board.

#### Amendment

Amend section 1 of the bill by striking out line 1 and inserting in place thereof the following:

1 New Chapter. Amend RSA by inserting after chapter 482-P the

Amend the bill by striking out all references to chapter 482-P and inserting in place thereof the following:

#### CHAPTER 482-Q

482-Q:1 Dam Rights and Easements; Transfer. The New Hampshire water

482-Q:2 Repairs and Restoration. After the transfer authorized in

482-Q:3 Tax Exemption. The dams authorized for transfer to the water

482-Q:4 Additional Dams. The water resources board is further

Amend RSA 482-Q:2 by striking out line 2 and inserting in place thereof the following:

RSA 482-Q:1, the water resources board shall, from time to time, make

House Bill 322, now 1983 Chapter 259, inserted RSA 482-P, so this amendment changes the RSA references in this bill to RSA 482-Q.  
Adopted.

#### COMMITTEE OF CONFERENCE REPORT ON HB 206

HB 206, relative to the restoration of the covered bridge between Cornish, N.H. and Windsor, Vt. (printed SJ 6/28)

The Committee was unable to reach agreement.

#### COMMITTEE OF CONFERENCE REPORT ON HB 500

HB 500, making appropriations for the expenses of certain departments of the state

for fiscal years ending June 30, 1984 and June 30, 1985. (printed SJ 6/30)

Rep. Kidder moved that the House adopt the report.

Reps. Kidder, Margaret Ramsay, Scranton, LaMott and Scamman explained the report and yielded to questions.

Reps. Chambers, Gary Dionne, Daniell, Newman and Sloan spoke against the report.

Rep. Wayne King spoke to the report and yielded to questions.

Reps. Ward, Sara Townsend and Rounds spoke in favor of the report.

Rep. Scamman spoke in favor of the report and yielded to questions.

Rep. Spiro spoke against the report and yielded to questions.

Rep. French moved the previous question. Sufficiently seconded. Adopted.

A roll call was requested. Sufficiently seconded.

(Speaker presiding)

YEAS 221 NAYS 130

YEAS 221

BELKNAP: Bastraw, Birch, Dexter, French, Golden, Hardy, Holbrook, Nighswander, Pearson, Sanders, David Whittemore and Zeckhausen.

CARROLL: Ashnault, Chandler, Dickinson, Heath, Robert Holmes, Kenneth MacDonald, McIntire, Murphy, Powers and Saunders.

CHESHIRE: Crane, Davis, Daniel Eaton, Gordon, Grodin, Lane, Miller, Morse, Parker, Perkins, Perry, Margaret Ramsay and Scranton.

COOS: Harold Burns, Chardon, Guay, Horton, David King, Langley, George Lemire and Oleson.

GRAFTON: Blair, Christy, Downing, Driscoll, Duggan, Harnish, Hutchings, LaMott, Logan, Mann, McAvoy, Rounds, Stewart, Taffe, John Townsend, Walter, Ward and Weymouth.

HILLSBOROUGH: Ahrens, Arnold, Arris, Bass, Bolan, Boutwell, John Burns, Leslie Burns, Carragher, Charbonneau, Craig, Duffett, Duprey, Durant, Clyde Eaton, Joseph Eaton, Fields, Ford, Fried, Galway, Grip, Harrington, George Hawkins, Head, Humphrey, Thomas Hynes, Kashulines, Keefe, Robert Kelley, Knight, Labombarde, John Lawrence, Martineau, Howard Mason, Migneault, Nickerson, Nute, Paradis, Marjorie Peters, Reidy, Ellen-Ann Robinson, Roy, Russell, Sallada, Silva, B.P. Smith, Leonard Smith, Stylianos, James Sullivan, Mary Sullivan, Sylvia, Tamposi, Van Loan, Ware, Geraldine Watson, Harold Watson, Wells, Emma Wheeler, Kenneth Wheeler, James J. White, M. Arnold White and Lucille Wood.

MERRIMACK: Anderson, Bibbo, Laurent Boucher, Bowes, Cate, Samuel Clark, Dean, Degnan, Gross, Mary Holmes, Kidder, Kinhan, Lewis, Maltais, McDonnell, Nichols, Phelps, Doris Riley, William Roberts, Rogers, Savaria, Shepard, Gerald R. Smith, Stark, Stio, Lawrence Sullivan, Underwood and James Whittemore.



ROCKINGHAM: Ames, Beliveau, Benton, Blake, William Boucher, Burdick, Butler, Campbell, Danderson, Day, Ellyson, Flanagan, Harry Flanders, John Flanders, Beverly Gage, Thomas Gage, Greene, Gregorio, Joslyn, Kane, Katsakiores, Glenden Kelley, Roger King, Longworth, Lovejoy, Mace, Malcolm, Robert Mason, William Moore, Nagel, Newell, Palumbo, Parr, Quimby, Romoli, Scamman, Schmidtchen, Schwaner, Simon, Skinner, Sochalski, Stork, Sytek, Tavitian, Tufts, Vartanian, Vecchione, Walker, Warburton, Webster and Woodward.

STRAFFORD: Bouchard, Chamberlin, Dingle, Robert Jones, Kincaid, Musler, Francis Robinson, Sackett, Franklin Torr and Whiting.

SULLIVAN: Cutting, Flint, Gray, Ingram, Paul Johnson, Mehegan, Palmer, Reney and Sara Townsend.

NAYS 130

BELKNAP: Bolduc, Gary Dionne, Robert Hawkins, Lamprey, Matthew Locke and Randall.

CARROLL: Chase.

CHESHIRE: Barber, Boulter, Eugene Clark, Kennedy, Matson, David Meader, Michaelides and William Riley.

COOS: Brideau, Coulombe, Theriault and Valliere.

GRAFTON: Chambers, Copenhaver, Crory, Denmore, Easton, Girouard, Michael King, Wayne King and Whitcomb.

HILLSBOROUGH: Debora Ahern, Richard Ahern, Ahlgren, Baker, Bergeron, Burkush, Cote, Cronin, Crotty, William Dion, Donovan, Gagnon, Gelinas, Daniel Healy, Walter Healy, Hendrick, Jean, Kaklamanos, Katsiaficas, Evelyn King, Leclerc, Levesque, Lynde, Lyons, McGlynn, Morrisette, Nelson, O'Rourke, Parmenter, Pressly, Quinn, Raiche, Resch, Robie, Soucy, Spirou, Talbot, Turgeon, Vachon, Roger Wallace, Robert Wheeler, Winn and Zajdel.

MERRIMACK: Chynoweth, Daniell, Jacobson, LaBranche, Arthur Locke, Mercier, Pannell, Parrish, Walter Robinson, Trombly and Wallner.

ROCKINGHAM: Belanger, Blanchard, Blanchette, Case, Connors, Cotton, Cressy, Hollingworth, John Hynes, Kozacka, Krasker, Leslie, LoFranco, Joseph MacDonald, McLane, Newman, Pantelakos, Pevear, Popov, Rosenkrantz, Sherburne, Sloan, Splaine and Raymond Wood.

STRAFFORD: Appleby, Banks, Belhumeur, Bernard, Blouin, Chagnon, Couture, Demers, Albert Dionne, Donnelly, Fielding, Flynn, Hennessey, Hussey, Joos, Lussier, Pelley, Schreiber and Timm.

SULLIVAN: Brodeur, Carlson, Converse, D'Amante and Irwin, and the report was adopted.

Rep. Bowler notified the Clerk that she wished to be recorded against the report on HB 500.

Rep. Ashnault notified the Clerk that he wished to be recorded against the increase in the Real Estate Transfer Tax included in HB 500.

#### VETO MESSAGE ON HB 783

To the Honorable Members of the General Court

I hereby veto House Bill 783, a bill which seeks to change the make-up of the State Negotiating Committee and the manner in which cost items may be treated within a negotiated agreement.

Currently, New Hampshire law provides that cost items of a negotiated agreement between the state and state employees may be accepted, rejected or modified by the legislative body. RSA 276-A:3, 11(b) I believe that this provision, which permits the General Court to modify cost items as well as merely accepting or rejecting them, gives the legislature latitude which is necessary in coming to a appropriate determination. Under HB 783 the General Court loses the modification provision and the legislature is forced either to accept or reject the entire cost item package.

I believe that this position unnecessarily limits the legislature in exercising its responsible judgment and in expediting the final cost package in any negotiated agreement.

Under the language of this bill, if the cost package is rejected, bipartisan legislative leaders become members of the negotiating committee. Current law already provides for a Joint Committee on Employee Relations composed of the legislative leadership of the House and Senate. This Committee has the authority to meet with the State Negotiating Committee and to discuss the state's objectives in the bargaining process.

I believe that the provisions of HB 783 will actually set back the timetable of the negotiating process. By the time any negotiated package is presented to the General Court 5 months of negotiations have already occurred. In my opinion it is unlikely that there will be unanimity of agreement on a bipartisan committee given the extensive workload of legislative leaders during a session on other matters. This delay could be most harmful to the process.

I believe that passage of HB 783 will dilute the negotiation process and both the state and state employees will suffer.

John H. Sununu, Governor

Question being, notwithstanding the Governor's veto, shall HB 783 pass.

Reps. Chambers and Warburton spoke in favor.

Rep. Sytek spoke against.

Rep. French moved the previous question. Sufficiently seconded. Adopted.



(Speaker presiding)

YEAS 148 NAYS 194

YEAS 148

**BELKNAP:** Bolduc, Dexter, Gary Dionne, Golden, Hardy, Robert Hawkins, Lamprey, Nighswander and Randall.

**CARROLL:** Murphy.

**CHESHIRE:** Barber, Boulter, Crane, Daniel Eaton, Matson, David Meader, Michaelides, Perkins, Margaret Ramsay and William Riley.

**COOS:** Brideau, Coulombe, Langley, George Lemire and Theriault.

**GRAFTON:** Chambers, Copenhaver, Crory, Densmore, Downing, Girouard, Hutchings, Michael King, Wayne King, Stewart, Taffe and Weymouth.

**HILLSBOROUGH:** Debora Ahern, Richard Ahern, Ahlgren, Baker, Bergeron, Boutwell, Burkush, Cote, Cronin, Crotty, William Dion, Donovan, Gagnon, Galway, Celinas, Harrington, Hendrick, Jean, Kaklamanos, Katsiaficas, Leclerc, Lynde, Lyons, McGlynn, Migneault, Morrisette, O'Rourke, Parmenter, Pressly, Quinn, Raiche, Reidy, Resch, Robie, Roy, Leonard Smith, Soucy, Spirow, James Sullivan, Mary Sullivan, Talbot, Tamposi, Turgeon, Roger Wallace, Robert Wheeler, Winn and Zajdel.

**MERRIMACK:** Bowes, Chynoweth, Samuel Clark, Daniell, Degnan, Mary Holmes, Jacobson, Kinhan, Maltais, McDonnell, Mercier, Pannell, Parrish, Rogers, Savaria, Lawrence Sullivan, Trombly and Wallner.

**ROCKINGHAM:** Belanger, Beliveau, Blanchette, Butler, Case, Connors, Cressy, John Flanders, Beverly Gage, Hollingworth, John Hynes, Kozacka, Krasker, Leslie, Joseph MacDonald, McLane, Nagel, Newman, Pevear, Popov, Rosencrantz, Splaine, Warburton and Raymond Wood.

**STRAFFORD:** Banks, Belhumeur, Bernard, Blouin, Chagnon, Chamberlin, Couture, Demers, Donnelly, Flynn, Hennessey, Joos, Kincaid, Lussier, Pelley, Schreiber and Whiting.

**SULLIVAN:** Brodeur, Carlson, Converse, Irwin and Paul Johnson.

NAYS 194

**BELKNAP:** Bastraw, Birch, French, Holbrook, Matthew Locke, Pearson, David Whittemore and Zeckhausen.

**CARROLL:** Ashnault, Chandler, Chase, Dickinson, Heath, Robert Holmes, Kenneth MacDonald, McIntire, Powers and Saunders.

**CHESHIRE:** Eugene Clark, Davis, Gordon, Grodin, Lane, Miller, Morse, Parker, Perry and Scranton.

**COOS:** Harold Burns, Chardon, Guay, Horton, David King, Oleson and Valliere.

**GRAFTON:** Blair, Christy, Driscoll, Duggan, Easton, Harnish, Logan, Mann, McAvoy, Rounds, John Townsend, Walter, Ward and Whitcomb.

**HILLSBOROUGH:** Ahrens, Arnold, Arris, Bass, Bolan, John Burns, Leslie Burns, Carragher, Charbonneau, Craig, Duffett, Duprey, Durant, Clyde Eaton, Joseph Eaton, Fields, Ford, Fried, Grip, George Hawkins, Head, Daniel Healy, Walter Healy, Humphrey, Thomas Hynes, Kashulines, Keefe, Robert Kelley, Knight, Labombarde, John Lawrence, Levesque, Martineau, Howard Mason, Nickerson, Nute, Paradis, Marjorie Peters, Ellen-Ann Robinson, Russell, Sallada, Silva, B.P. Smith, Stylianos, Sylvia, Vachon, Van Loan, Ware, Geraldine Watson, Harold Watson, Wells, Emma Wheeler, Kenneth Wheeler, James J. White, M. Arnold Wight and Lucille Wood.

**MERRIMACK:** Anderson, Bibbo, Laurent Boucher, Cate, Dean, Gross, Kidder, LaBranche, Lewis, Arthur Locke, Nichols, Phelps, Doris Riley, William Roberts, Walter Robinson, Shepard, Gerald R. Smith, Stark, Stio, Underwood and James Whittemore.

**ROCKINGHAM:** Ames, Benton, Blake, Blanchard, William Boucher, Burdick, Campbell, Danderson, Day, Ellyson, Flanagan, Harry Flanders, Thomas Gage, Greene, Gregorio, Joslyn, Kane, Katsakiores, Glenden Kelley, Roger King, LoFranco, Longworth, Lovejoy, Mace, Malcolm, Robert Mason, William Moore, Newell, Palumbo, Parr, Romoli, Scamman, Schmidtchen, Schwaner, Sherburne, Simon, Skinner, Sloan, Sochalski, Stork, Sytek, Tavitian, Tufts, Vartanian, Vecchione, Walker, Webster and Woodward.

**STRAFFORD:** Appleby, Bouchard, Dingle, Albert Dionne, Fielding, Hussey, Robert Jones, Musler, Francis Robinson, Timm and Franklin Torr.

**SULLIVAN:** Cutting, D'Amante, Flint, Gray, Ingram, Mehegan, Palmer, Reney and Sara Townsend, and the veto was sustained.

## VETO MESSAGE ON HB 512

To the Honorable Members of the General Court

I hereby veto House Bill 512, a bill changing the definition of "sending district" for purposes of funding handicapped children's special education programs. This is a difficult and important area of the law, and I believe that statutes must be clear and concise as well as fair and equitable. House Bill 512 does not meet that standard.

Currently, the law defines residence for handicapped children and provides financial relief to school districts with group homes that house a large number of handicapped, foster children. The "receiving district" where a group home is located is entitled to reimbursement from the "sending district" for certain special education costs. The law defines "sending district" for children who are in the legal custody of the New Hampshire Division of Welfare, as the district where the child last "resided"

outside of a foster home, group home health care facility or State Institution.

In contrast to the above, House Bill 512 changes the definition of residence and makes the definition of the term "resided" a subjective definition. Under HB 512, the term "residence" would depend upon the intent of the parents to remain in a district permanently or for the foreseeable future. This change, if enacted, would make it difficult, if not impossible, for receiving districts to identify sending districts. Three examples of potential difficulties come to mind.

First, a situation could occur in which the parents of a handicapped child are living with the child in a community where they do not intend to remain for the indefinite future. This child would not be a bona fide resident and since some parents of handicapped children suffer from the same disability as the child in question, the intent needed for permanent residency could be further confused. Second, the question of parental intent to remain for the foreseeable future is placed in jeopardy in those cases where a court places a child on a temporary basis with a relative. Third, uncertainty will exist in those cases where a court grants an adoption petition stating that the adoption is temporary for a one-year period and thereafter becomes permanent.

I am convinced that enormous legal fees will be generated attempting to determine these definitions in the specific instances cited above.

History confirms that a subjective definition of such terms is unworkable. In 1955, a similar cost-shifting mechanism was established for students in foster homes. That statute gave a host district the right of reimbursement from the district where the child was last "domiciled" before entering the foster home. In 1971, these sections of law had to be deleted because it was so difficult to determine the domicile of a child who came from a broken home.

Finally, the New Hampshire Supreme Court currently has before it a case entitled Leahy v. Brunelle, which will define the term "resided" as found in RSA 193:27 IV. Extensive briefs have been presented by the parties in this case concerning objective as opposed to subjective definitions of residence. I believe that the Supreme Court should be permitted to render its determination on this matter and thereby establish a definition which will enable receiving districts to identify sending districts with a minimum of administrative time, bureaucratic decision making, and legal expense.

John H. Sununu, Governor

Question being, notwithstanding the Governor's veto, shall HB 512 pass.

Reps. Walker and William Boucher spoke in favor.

Reps. McAvoy, Knight and Campbell spoke against.

Rep. John Flanders moved the previous question. Sufficiently seconded. Adopted.

(Speaker presiding)

YEAS 216 NAYS 131

YEAS 216

BELKNAP: Bastraw, Birch, Bolduc, Gary Dionne, French, Golden, Robert Hawkins, Lamprey, Matthew Locke, Pearson, Randall and Zeckhausen.

CARROLL: Ashnault, Chase, Kenneth MacDonald, McIntire and Murphy.

CHESHIRE: Barber, Eugene Clark, Crane, Davis, Daniel Eaton, Gordon, Matson, David Meader, Michaelides, Miller, Perry, Margaret Ramsay, William Riley and Scranton.

COOS: Brideau, Harold Burns, Chardon, Coulombe, David King, George Lemire and Theriault.

GRAFTON: Chambers, Copenhaver, Crory, Densmore, Downing, Easton, Girouard, Hutchings, Michael King, Logan, Mann, Rounds, Stewart, John Townsend, Walter, Ward and Weymouth.

HILLSBOROUGH: Debora Ahern, Richard Ahern, Ahlgren, Baker, Bass, Bergeron, Boutwell, Burkush, Leslie Burns, Cote, Cronin, Crotty, Donovan, Duffett, Durant, Joseph Eaton, Fields, Ford, Gagnon, Galway, Gelinas, Harrington, Head, Daniel Healy, Hendrick, Jean, Kakkamanos, Kashulines, Katsiaticas, Keefe, Robert Kelley, Labombarde, John Lawrence, Leclerc, David Lemire, Lynde, McGlynn, Migneault, Morrisette, Nelson, Nute, O'Rourke, Parmenter, Pressly, Quinn, Raiche, Reidy, Resch, Robie, Ellen-Ann Robinson, Roy, Russell, Silva, Leonard Smith, Soucy, Spiros, Stylianos, Mary Sullivan, Sylvia, Talbot, Turgeon, Vachon, Van Loan, Roger Wallace, Robert Wheeler, James J. White, Winn and Zajdel.

MERRIMACK: Bowes, Cate, Chynoweth, Daniell, Degnan, Mary Holmes, Kidder, Kinhan, Maltais, McDonnell, Mercier, Pannell, Walter Robinson, Rogers, Stark, Lawrence Sullivan, Trombly and Wallner.

ROCKINGHAM: Belanger, Beliveau, Blaisdell, Blake, Blanchard, Blanchette, William Boucher, Burdick, Butler, Carpenito, Case, Connors, Cotton, Cressy, Flanagan, Beverly Gage, Thomas Gage, Gregorio, Hollingworth, John Hynes, Glenden Kelley, Kozacka, Krasker, LoFranco, Longworth, Lovejoy, Joseph MacDonald, Malcolm, McLane, Nagel, Newman, Parr, Pevear, Popov, Quimby, Romoli, Rosencrantz, Schwaner, Sherburne, Simon, Sloan, Sochalski, Splaine, Tufts, Walker, Warburton, Raymond Wood and Woodward.

STRAFFORD: Banks, Bernard, Blouin, Chagnon, Chamberlin, Couture, Demers, Albert Dionne, Donnelly, Flynn, Robert Jones, Joos, Kincaid, Lussier, Pelley, Francis Robinson, Sackett and Schreiber.

SULLIVAN: Carlson, Converse, Cutting, D'Amante, Gray, Irwin, Paul Johnson, Palmer and Reney.

NAYS 131

BELKNAP: Dexter, Hardy, Holbrook, Nighswander, Sanders and David Whittemore.

CARROLL: Chandler, Dickinson, Heath, Robert Holmes, Powers and Saunders.

CHESHIRE: Boulter, Grodin, Lane, Morse, Parker and Perkins.

COOS: Guay, Horton, Langley, Oleson and Valliere.

GRAFTON: Blair, Christy, Driscoll, Duggan, Harnish, Wayne King, McAvoy, Taffe and Whitcomb.

HILLSBOROUGH: Ahrens, Arnold, Arris, Bolan, John Burns, Carragher, Charbonneau, William Dion, Duprey, Clyde Eaton, Fried, Grip, George Hawkins, Walter Healy, Humphrey, Thomas Hynes, Knight, Levesque, Lyons, Martineau, Howard Mason, Nickerson, Paradis, Marjorie Peters, Sallada, B. P. Smith, James Sullivan, Tamposi, Ware, Geraldine Watson, Harold Watson, Wells, Emma Wheeler, Kenneth Wheeler, M. Arnold Wight and Lucille Wood.

MERRIMACK: Anderson, Bibbo, Laurent Boucher, Samuel Clark, Dean, Gross, Jacobson, LaBranche, Lewis, Arthur Locke, Nichols, Phelps, Doris Riley, William Roberts, Savaria, Shepard, Gerald R. Smith, Stio, Underwood and James Whittemore.

ROCKINGHAM: Ames, Benton, Campbell, Danderson, Day, Ellyson, Harry Flanders, John Flanders, Greene, Joslyn, Katsakiores, Roger King, Leslie, Mace, Robert Mason, William Moore, Newell, Palumbo, Scamman, Schmidtchen, Skinner, Stork, Sytek, Tavitian, Vartanian, Vecchione and Webster.

STRAFFORD: Appleby, Belhumeur, Bouchard, Dingle, Fielding, Hennessey, Hussey, Musler, Timm, Franklin Torr and Whiting.

SULLIVAN: Brodeur, Flint, Ingram, Mehegan and Sara Townsend, and the veto was sustained.

## VETO MESSAGE ON SB 156

To the Honorable Members of the General Court

I hereby veto Senate Bill 156, a bill which purports to establish an incentive program to attract out-of-state students to New Hampshire's public and private post-secondary educational institutions.

I am vetoing this bill because this legislation, in effect, establishes an unfunded mandate on the post-secondary educational system in our state to carry out a program to attract out-of-state students without any appropriation therefor. The bill appropriates the sum of one dollar for Fiscal Year 1983, and the sum of one dollar for Fiscal Year 1984 to fund the activities of the Post-Secondary Education Commission in carrying out the mandate of this legislation.

I have stated on numerous occasions that I believe the overriding concern for

post-secondary institutions in our state is providing quality education to the sons and daughters of New Hampshire residents. I am, of course, aware that our state receives significant sums of money from out-of-state students who attend our educational institutions. I cannot, however, sign into law a bill which purports to provide an incentive for attracting these out-of-state students to our state and then makes no appropriation whatsoever for doing so. I believe that qualified, out-of-state students will be attracted to New Hampshire's post-secondary educational institutions without the efforts of committees and bureaucracies, however well-intentioned, and that as a state we should turn our attention to the quality of education at the post-secondary level and for spending sums appropriated in a manner that provides for that quality education.

I ask that you all join me in refusing to legislate this unfunded mandate.

John H. Sununu, Governor

Question being, notwithstanding the Governor's veto, shall SB 156 pass.

Reps. William Riley, Scranton, William Boucher and Sackett spoke in favor.

Rep. French moved the previous question. Sufficiently seconded. Adopted.

(Speaker presiding)

YEAS 253 NAYS 93

YEAS 253

BELKNAP: Bastraw, Birch, Bolduc, Dexter, Gary Dionne, French, Golden, Hardy, Robert Hawkins, Holbrook, Lamprey, Nighswander, Pearson, Randall, Sanders, David Whittemore and Zeckhausen.

CARROLL: Chase, Dickinson, Robert Holmes, McIntire, Murphy and Powers.

CHESHIRE: Barber, Eugene Clark, Crane, Davis, Daniel Eaton, Gordon, Grodin, Watson, David Meader, Michaelides, Miller, Parker, Perkins, Perry, Margaret Ramsay, William Riley and Scranton.

COOS: Brideau, Harold Burns, Chardon, Coulombe, Horton, David King, Langley, Oleson and Theriault.

GRAFTON: Blair, Chambers, Copenhaver, Densmore, Downing, Easton, Girouard, Harnish, Hutchings, Michael King, Wayne King, Logan, Mann, Rounds, Stewart, Taffe, John Townsend, Walter, Ward and Whitcomb.

HILLSBOROUGH: Debora Ahern, Richard Ahern, Ahlgren, Ahrens, Arris, Baker, Bass, Bergeron, Bolan, Burkush, Cote, Crotty, William Dion, Duffett, Duprey, Durant, Joseph Eaton, Fields, Ford, Fried, Gagnon, Galway, Gelinas, Grip, Harrington, George Hawkins, Head, Hendrick, Humphrey, Jean, Kaklamanos, Kashulines, Katsiaticas, Keefe, Evelyn King, Knight, Leclerc, David Lemire, Lynde, Lyons, Martineau, Howard Mason, McGlynn, Migneault, Morrisette, Nelson, O'Rourke, Farmer, Marjorie Peters, Pressly, Quinn, Raiche, Reidy, Resch, Robie, Ellen-Ann Robinson, Roy, Russell, Silva,

Leonard Smith, Soucy, Stylianos, Mary Sullivan, Talbot, Tamposi, Turgeon, Vachon, Van Loan, Roger Wallace, Robert Wheeler, James J. White, M. Arnold Wight, Winn, Lucille Wood and Zajdel.

MERRIMACK: Laurent Boucher, Bowes, Cate, Chynoweth, Samuel Clark, Daniell, Dean, Degnan, Mary Holmes, Jacobson, Kidder, Kinhan, Lewis, Maltais, McDonnell, Mercier, Nichols, Pannell, Parrish, Walter Robinson, Rogers, Savaria, Gerald R. Smith, Stark, Lawrence Sullivan, Trombly, Underwood and Wallner.

ROCKINGHAM: Belanger, Benton, Blanchard, Blanchette, William Boucher, Burdick, Butler, Campbell, Case, Connors, Cotton, Day, Flanagan, Harry Flanders, Thomas Gage, Greene, Gregorio, Hollingworth, John Hynes, Glenden Kelley, Roger King, Kozacka, Krasker, Leslie, Lovejoy, Joseph MacDonald, Malcolm, Robert Mason, McLane, Nagel, Newell, Newman, Palumbo, Pantelakos, Parr, Pevear, Popov, Quimby, Romoli, Rosencrantz, Sherburne, Simon, Skinner, Sloan, Sochalski, Splaine, Vartanian, Warburton, Raymond Wood and Woodward.

STRAFFORD: Banks, Belhumeur, Bernard, Blouin, Bouchard, Chamberlin, Couture, Demers, Dingle, Albert Dionne, Donnelly, Flynn, Robert Jones, Joos, Kincaid, Lussier, Pelley, Francis Robinson, Sackett and Whiting.

SULLIVAN: Carlson, Converse, D'Amante, Flint, Gray, Irwin, Paul Johnson, Mehegan, Palmer, Reney and Sara Townsend.

#### NAYS 93

BELKNAP: Matthew Locke.

CARROLL: Ashnault, Chandler, Heath, Kenneth MacDonald and Saunders.

CHESHIRE: Boulter, Lane and Morse.

COOS: Guay, George Lemire and Valliere.

GRAFTON: Christy, Driscoll, Duggan, McAvoy and Weymouth.

HILLSBOROUGH: Arnold, Boutwell, John Burns, Leslie Burns, Carragher, Charbonneau, Cronin, Donovan, Clyde Eaton, Walter Healy, Thomas Hynes, Robert Kelley, Labombarde, John Lawrence, Levesque, Nickerson, Nute, Paradis, Sallada, B. P. Smith, James Sullivan, Sylvia, Ware, Geraldine Watson, Harold Watson, Wells, Emma Wheeler and Kenneth Wheeler.

MERRIMACK: Anderson, Bibbo, Gross, LaBranche, Arthur Locke, Phelps, Doris Riley, William Roberts, Shepard, Stio and James Whittemore.

ROCKINGHAM: Ames, Beliveau, Blaisdell, Blake, Cressy, Danderson, Ellyson, John Flanders, Joslyn, Kane, Katsakiores, LoFranco, Longworth, Mace, William Moore, Scamman, Schmidtchen, Schwane, Stork, Sytek, Tavitian, Tufts, Vecchione, Walker and Webster.

STRAFFORD: Appleby, Chagnon, Fielding, Hennessey, Hussey, Musler, Schreiber, Timm and Franklin Torr.

SULLIVAN: Brodeur, Cutting and Ingram, and the veto was overridden by the constitutional requirement of two-thirds.

#### INTRODUCTION OF GUEST

The Speaker introduced former Governor Walter Peterson.

#### SUSPENSION OF RULES

Reps. Rounds and Spirou moved that the Rules be so far suspended as to permit consideration of the Committee of Conference report on SB 44, enlarging the list of authorized investment rating services, after the deadline.

Adopted by the necessary two-thirds.

#### COMMITTEE OF CONFERENCE REPORT ON SB 44

The committee of conference to which was referred Senate Bill 44, An Act enlarging the list of authorized investment rating services, having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House adopt the following new amendment to the bill as amended by the House, and pass the bill as so amended:

Amend RSA 387:1, XVI as inserted by section one of the bill by striking out same and inserting in place thereof the following:

XVI. RATING SERVICES AND RATING SYSTEM. The authorized investment rating services shall be any nationally recognized rating services which the commissioner approves as qualified services for purposes of this chapter. All ratings relied upon under this chapter shall be expressed in accordance with standard major rating categories designated by letters of the alphabet. Ratings of any of the authorized investment services expressed numerically shall be converted to such standard categories by means of the conversion scale of such investment rating service prior to use. Each authorized investment rating service may furnish to the commissioner without charge copies of its public rating lists which may be useful for the purposes of this chapter and revisions and supplements to such lists on a continuing basis.

Conferees on the Part of the Senate:

Sens. Bartlett, Dist. 19; Poulsen, Dist. 2 and Boyer, Dist. 13

Conferees on the Part of the House:

Reps. Crory, Graf. 12; Wells, Hills. 9; Allgeyer, Merr. 7 and B. P. Smith, Hills. 9  
Rep. Quimby moved that the House adopt the report, and spoke to his motion.  
Rep. Crory spoke in favor of the motion.  
Report adopted.



## SUSPENSION OF RULES

Reps. Rounds and Spirou moved that the Rules be so far suspended as to permit consideration of the Committee of Conference report on SB 115, relative to major medical insurance policies, after the deadline.

Adopted by the necessary two-thirds.

## COMMITTEE OF CONFERENCE REPORT ON SB 115

The committee of conference to which was referred Senate Bill 115, An Act relative to major medical insurance policies, having considered the same, report the same with the following recommendations:

That the Senate recede from its position of nonconcurrence with the House amendment, and concur with the House amendment, and

That the Senate and House each pass the bill as amended by the House.

Conferees on the Part of the Senate:

Sens. Freese, Dist. 4; Blaisdell, Dist. 10 and Bergeron, Dist. 6

Conferees on the Part of the House:

Reps. Burns, Coos 5; B. P. Smith, Hills. 9; Roberts, Merr. 5 and Baker, Hills. 19

Rep. Harold Burns moved that the House adopt the report.

Report adopted.

Rep. Daniel Eaton moved that HB 309-FN, relative to the sale of fireworks and imposing a tax thereon, be removed from the table.

Motion lost.

## ENROLLED BILLS REPORT

SB 25, relative to the issuance of bonds and notes.

SB 72, relative to transferring necessary rights and easements in and to certain dams to the water resources board.

Rep. Francis X. Donovan

Sen. Laurier Lamontagne

For the Committee.

Reps. Rounds and Spirou moved that all bills not passed by both bodies shall be Indefinitely Postponed. (Joint Rule 24)

SCR 7, to suspend Joint Rule 10(c)(1).

HB 281-FN, increasing the beer tax and relative to electronic sweepstakes games.

HB 216-FN, relative to appropriations for agriculture preservation and making an appropriation therefor.

HB 217-FN, relative to forgivable loans to students pursuing postsecondary programs leading to certification as teachers of mathematics or science and making an appropriation therefor.

HB 275-FN, concerning state aid for special education.

HB 283-FN, relative to voc-tech staff positions funding, and making an appropriation therefor.

HB 286-FN, relative to a 4 percent tax on income and making an appropriation therefor.

HB 298-FN, requiring the state board of education to develop and implement a comprehensive educational program on alcohol and drug abuse in public schools.

HB 309-FN, relative to the sale of fireworks and imposing a tax thereon.

HB 386-FN, requiring the state to pay for out-of-state placement of juveniles.

HJR 1, requiring the advisory budget control committee to exempt funds for cities and towns from the 4% budget cut.

HR 31, requesting that the United States Supreme Court reverse its position on the issue of abortion as established in the 1973 case of *Roe v. Wade*.

SB 47, allowing recruiters access to all public or publicly funded schools.

HB 206, relative to the restoration of the covered bridge between Cornish, N.H. and Windsor, Vt.

HR 15, requesting an opinion of the justices on the question of action by the advisory budget control committee regarding the reduction of funds due cities and towns.

SB 18-FN, removing compensation offset provisions from disability and death benefits under the New Hampshire retirement system.

SB 55, relative to shooting human beings while on a hunting trip or shooting in the woodlands.

SB 97-FN, relative to the senate clerk.

HB1 2010, relating to studying the Jobs Partnership Training Act.

Motion adopted.

Rep. Rounds moved that the House now adjourn from the early session, that the business of the late session be in order at the present time, that the reading of bills be by title only and resolutions by caption only and that all bills ordered to third reading be read a third time by this resolution, and that all titles of bills be the same as adopted, and that they be passed at the present time, and when the House adjourn today it adjourn sine die.

Adopted.

## LATE SESSION

## ENROLLED BILL AMENDMENT

HB 500, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1984, and June 30, 1985.

## Amendment

Amend the bill by striking out line 5 of section 8 and inserting in place thereof the following:

drivers' licenses, gasoline road tolls or any other special charges or

Amend RSA 261:141, II as inserted by section 54 of the bill by striking out line 1 and inserting in place thereof the following:

II. All unused temporary plates issued pursuant to paragraph I,



Amend the bill by striking out lines 7 and 8 of section 60 and inserting in place thereof the following:

authorized to draw his warrant for such sums from any funds in the treasury not otherwise appropriated.

Amend RSA 71-A:37, IV(a) as inserted by section 70 of the bill by striking out same and inserting in place thereof the following:

(a) The tax shown on the return of the business organization for the preceding taxable year, if a return showing a liability for tax was filed by the business organization for the preceding taxable year and such preceding year was a taxable year of 12 months.

Amend the bill by striking out line 2 of section 74 and inserting in place thereof the following:

RSA 167:8 or of any other law, for the biennium ending June 30, 1985,

Amend the bill by striking out line 9 of section 77 and inserting in place thereof the following:

elderly); 05-02-06 (Laconia state school and training center); 05-02-07

Amend the bill by striking out line 7 of section 78 and inserting in place thereof the following:

the provisions of RSA 9:17-a, 17-b or 17-c or in violation of any

Amend the bill by striking out lines 2 and 3 of section 82 and inserting in place thereof the following:

RSA 356-B:51, VII as inserted by 1977, 468:1 by striking out said paragraph and inserting in place thereof the following:

Amend RSA 490:18-a as inserted by section 88 of the bill by striking out lines 2, 3, 4 and 5 and inserting in place thereof the following:

services of the supreme court is authorized to establish revolving funds for purposes of the printing and sale of forms, publications and educational materials. Such revolving funds shall be limited to a total of not more than \$2,000 and such funds shall not lapse.

Amend the bill by striking out lines 2, 3 and 4 of section 90 and inserting in place thereof the following:

568:50 by striking out in line 2 the word and citation "and 167:18-b" and inserting in place thereof the following (, 167:18-b and 167:18-f) so that said section as amended shall read as follows:

Amend the bill by striking out line 3 of section 108 and inserting in place thereof the following:

welfare, to be expended for the catastrophic illness program, the sum of

Amend the bill by striking out section 111 and inserting in place thereof the following:

111 Vietnam Veterans. The sum of \$100,000 is hereby appropriated to the legislative fiscal committee for the biennium ending June 30, 1985, for the purpose of paying bonuses, to provide readjustment services and to meet other needs of the Vietnam veterans. The governor is authorized to draw his warrant for said sum out of any money in the treasury not otherwise appropriated.

Amend the bill by striking out line 11 of section 125 and inserting in place thereof the following:

meetings as they shall deem proper in order to gain the sense of the public

Amend the bill by striking out line 4 of section 154 and inserting in place thereof the following:

sections 2-156 of this act as shall be required to integrate such

Amend the bill by inserting after section 153 the following new section and renumbering the existing sections 154 and 155 to read as 155 and 156 respectively:

154 Repeal. RSA 101-A, relative to state employees group insurance, is hereby repealed.

This amendment corrects several grammatical errors. It also corrects some terminology and cross references. In addition, it repeals a chapter of RSA because the duties of the New Hampshire retirement system under that chapter are transferred to a different state agency under other sections of this act.

Adopted.

#### UNANIMOUS CONSENT

Reps. Daniel Healy and French addressed the House by unanimous consent.

Rep. Ingram addressed the House by unanimous consent.

Mr. Speaker and members of this House, I don't mean to brag but I have had three terms of perfect attendance. But this is possibly the last time I'll be in this beautiful, noble chamber.

I wish to thank the Speaker for his kindness and courtesy and patience with me. I think he is the best Speaker ever. With his dignity and good humor he presides evenly and fairly for which we should all be very grateful. It has been a privilege to serve under him. I wish to thank the members of the House for their kindness and friendliness to me. I love you all.

If I am not here next session I would like someone to introduce a resolution or a

bill to have the Star Spangled Banner added to the House's opening ceremony every morning. Since we are different in many ways, such as having more women than any other legislative body in the world, let us be the first to have this country's anthem sung at the opening of every session. I thank you.

Rep. Parr moved that Rep. Ingram's remarks be printed in the House Journal.  
Adopted.

Rep. Rounds moved that the House stand in recess for the purpose of Enrolled Bills Reports only.  
Adopted.

The House recessed at 5:09 p.m.

#### RECESS

(Rep. Carragher in the Chair)

#### COMMITTEE ASSIGNMENTS

Rep. Gene Chandler on Constitutional Revision.

Rep. John B. Townsend on Statutory Revision.

Rep. Russell moved that the House adjourn sine die.  
Adopted.

#### ENROLLED BILLS REPORT

HB 500, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1984 and June 30, 1985.

SB 44, enlarging the list of authorized investment rating services.

SB 115, relative to major medical insurance policies.

Rep. Francis X. Donovan  
Sen. John P.H. Chandler  
For the Committee.

Attest

Carl A. Peterson  
House Clerk

HB 15, prohibiting the harassment of hunters, trappers and fishermen.  
Fish and Game

HB 77, to require a hearing prior to issuance of certain orders relative to libels for divorce.  
Judiciary

HB 78, increasing the limits on summary administration of small estates.  
Senate Judiciary

HB 93, concerning restitution by parents or legal guardians of certain children found to have committed burglary, robbery or theft.  
Health and Welfare

HB 97, providing for the protection of elected public official's employment.  
Labor, Human Resources and Rehabilitation

HB 137 (Chapter 242, Section 14, Laws of 1983), creating a joint committee on health care costs.  
Reps. Joanne C. Head and Evelyn S. Dean (appointed by the Speaker)  
Reps. Harold W. Burns and Peter F. Wells, Sr. (appointed by the Speaker)  
Sens. Susan McLane and Greta I. Poulsen (appointed by the President)  
Sens. George E. Freese and Clesson Blaisdell (appointed by the President)

HB 173, providing for a mandatory winter stay of dispossession for certain residential tenants who have defaulted on their rent.  
Senate Public Affairs

HB 179, authorizing counties to establish county personnel commissions.  
Senate Public Affairs

HB 192 (Chapter 155, Laws of 1983), establishing a study committee on property tax exemptions for the elderly, amending the residential real estate tax exemption for the elderly and making other minor changes in RSA 72.  
Sens. Eleanor P. Podles and Robert Stephen (appointed by the President)  
Reps. Earle D. Hardy and Harold V. Lynde (appointed by the Speaker)  
Rep. Ednaparl F. Parr, Chairman of Joint Legislative Committee on Elderly Affairs (alternate: Alice Tirrell Knight)  
David M. Perry, West Swanzy (appointed by the Executive Director of the New Hampshire Municipal Association)

HB 197 (Chapter 63, Laws of 1983), establishing a committee to propose a recodification of the agriculture, horticulture and animal husbandry laws in title XL and other RSA titles.  
Reps. Marilyn R. Campbell, Gerald L. Smith, John L. Sherburne, Eleanor H. Whittemore, Victor J. Joos and Frank J. Kozacka  
Stephen H. Taylor, Commissioner of the Department of Agriculture

HB 201, relative to the training of dogs.  
Senate Development, Recreation and Environment

HB 234, providing an evaluation of state Route 101A corridor in the Nashua region and making an appropriation therefor.  
Public Works

HB 245, amending the disposition of transfer tax funds.  
Ways and Means

HB 276, establishing a New Hampshire high technology development authority and making an appropriation therefor.  
Science and Technology

HB 287, relative to dental benefits for retirees of the NH retirement system and making an appropriation therefor.  
Executive Departments and Administration

HB 293, relative to foundation aid and school building aid to school districts.  
Education

## INTERIM STUDY BILLS AND APPOINTMENTS

HB 294 (Chapter 402, Section 1, III, Laws of 1983), providing for a method of protection of the groundwater of the state and establishing a water resources management program.

House Resources, Recreation and Development  
Senate Development, Recreation and Environment

HB 297 (Chapter 256, Laws of 1983), establishing a committee to study ethics in government.

Reps. Charles F. Bass and Maureen E. Raiche (appointed by the Speaker)  
Sens. George E. Freese and Clesson Blaisdell (appointed by the President)  
Stephen E. Merrill (appointed by the Governor)

HB 299, relative to a tax on income and making an appropriation therefor.  
Ways and Means

HB 305, relative to regulation of rates for property and casualty insurance.

House Commerce, Housing and Consumer Affairs  
Senate Insurance

HB 312 (Chapter 196, Laws of 1983), requiring a consequence analysis study for the Seabrook nuclear power plant.

1 member representing the general interests of the public appointed by Governor

Wynn E. Arnold (designee of the Chairman of Public Utilities Commission)  
Richard H. Strome, Director, New Hampshire Civil Defense Agency  
(alternate: James A. Saggiotes)

Dr. William T. Wallace, Director of Division of Public Health Services  
(alternate: Robert A. Danderson)

Reps. Kenneth A. Randall and Frank J. Kozacka (appointed by the Speaker)  
Sens. William S. Bartlett and George I. Wiggins (appointed by the President)

2 persons residing in the 17 community emergency planning zone designated in the Evacuation Plan appointed by Governor and Council

Bruce B. Beckley, representative of Public Service Company of New Hampshire

HB 313, requiring that the cost of medical and health insurance coverage for certain retirees be provided by the state retirement system and making an appropriation therefor.

Executive Departments and Administration

HB 318, relative to foundation aid.  
Education

HB 335, relative to the eminent domain powers of housing authorities.  
Commerce, Housing and Consumer Affairs

HB 337, relative to cross-industry interstate banking and equalization of New Hampshire banking institutions.

Commerce, Housing and Consumer Affairs

HB 348, prohibiting municipalities from subcontracting for police and fire protection.

Municipal and County Government

HB 359, transferring administration of old age and survivors insurance from the division of welfare to the state treasurer.

Senate Finance

HB 384 (Chapter 113, Laws of 1983), to establish a task force to design a cooperative system of placements for children.

Dr. Robert L. Brunelle, Commissioner of Education

Richard A. Chevrefils, Director of the Division of Welfare

Ronald C. Andrews, Director of the Division of Mental Health and Developmental Services (alternate: Ms. Jody Nolin)

John J. Sheridan, Superintendent of the Youth Development Center

John A. King, Director of the Department of Probation

Rep. Caroline L. Gross (appointed by the Speaker)

Sen. Vance R. Kelly (appointed by the President)

Nancy Baybutt (appointed by the Governor)

Judge Paul H. Lawrence (appointed by the President of New Hampshire Judge's Association)

HB 385, limiting the services the fish and game department may supply to certain private ponds that do not have public access.

Senate Development, Recreation and Environment

HB 390, prohibiting the use of live animals as prizes.  
Fish and Game

HB 406, relative to the age limits for special education.  
Education

HB 410 (Chapter 403, Laws of 1983), creating a commission to study alternative procedures for the resolution of marital questions.  
Reps. Alf E. Jacobson, Chairman, Francis E. Robinson and James F. Kinhan (appointed by the Speaker)  
Sens. Richard E. Boyer, Leo E. Lessard and James R. Splaine (appointed by the President)  
Charles G. Douglas, III, Contoocook and Kathryn Williams, Hampton (appointed by Chief Justice of the New Hampshire Supreme Court)

HB 418 (Chapter 171, Laws of 1983), establishing a diesel fuel tax study commission.  
Sens. George I. Wiggins, Greta I. Poulsen and Laurier Lamontagne (appointed by the President)  
Reps. K. Michael Tavitian, Lorine M. Walter and Roger L. Easton (appointed by the Speaker)  
James P. Hargrove (designee of the Commissioner of Safety)  
Nonvoting Advisory Committee (one person appointed by each of the following:  
Assistant Commissioner Walter F. Mead, NH Department of Public Works and Highways,  
Virginia Miller, Bedford, NH American Automobile Association  
Stacey W. Cole, Concord, NH Petroleum Council  
Eugene J. Byron, President and Executive Director, NH Gasoline Retail Dealers Association,  
Russell E. MacCleery, NH Motor Transport Association (alternate: Keith Vaskeliones, Sr.)  
James Driscoll, Office of Vacation Travel

HB 420, relative to the change in the use of buildings built for residential or commercial use.  
Senate Development, Recreation and Environment

HB 421, to modify the obligations of step-parents to support step-children.  
Judiciary

HB 439, relative to taking of property by eminent domain by a public utility for power lines.  
Commerce, Housing and Consumer Affairs

HB 444, changing the form of the elderly exemption to a standard deduction from the tax bill and repealing all other elderly exemptions.  
Municipal and County Government

HB 445, to continue the operation of the Warren fish hatchery and close the Twin Mountain hatchery.  
Fish and Game

HB 447, giving docket preference to civil cases in which at least one of the parties is age 65 or older.  
Judiciary

HB 451 (Chapter 406, Laws of 1983), relative to current use.  
Reps. Marilyn R. Campbell, Irene J. Shepard and Harry E. Flanders (appointed by the Speaker)  
Sens. George I. Wiggins, Robert F. Preston and John P. Stabile (appointed by the President)

HB 453, relative to disclosure of information by certain medical providers.  
Judiciary

HB 463, transferring the licensing and enforcement duties of the state liquor commission to the department of safety.  
Executive Departments and Administration

HB 473, relative to gasoline credit account charges.  
Senate Transportation

HB 500 (Chapter 469, Section 125, Laws of 1983)  
Constitutional Convention Task Force.  
Reps. Joseph M. Eaton, Bruce C. Rounds and Gordon B. Flint (appointed by the Speaker)



## INTERIM STUDY BILLS AND APPOINTMENTS

Sens. Vesta M. Roy, Jean T. White and William A. Johnson (appointed by the President)  
 Attorney T. William Bigelow and John Bridges (appointed by the Governor)  
 Attorney Joseph A. Millimet, Manchester, Chairman and Attorney Richard F. Upton, Concord (appointed by the Supreme Court)

HB 500 (Chapter 469, Section 152, Laws of 1983), Low-level Radioactive Waste Management Study Committee. (also see: HBI 2005)  
 House State-Federal Relations

HB 506, to change the maximum age of juvenile court jurisdiction over minors charged with crimes from 18 to 16.  
 Health and Welfare

HB 517, relative to overtime pay.  
 Labor, Human Resources and Rehabilitation

HB 522, relative to appeals by the state in criminal cases.  
 Judiciary

HB 524, regulating home health care agencies.  
 Health and Welfare

HB 529, relative to group insurance benefits for surviving spouses and dependents.  
 Commerce, Housing and Consumer Affairs

HB 530, relative to persons incompetent to stand trial.  
 Judiciary

HB 539, limiting the use of power boats on Clark pond in the town of Canaan.  
 Resources, Recreation and Development

HB 540, requiring certain licensees and permittees to install breathalyzers.  
 Regulated Revenues

HB 543, relative to expending fines and forfeitures collected for fish and game violations on certain rewards.  
 Fish and Game

HB 544, removing the retirement system board of trustees from selecting and administering group life and health coverage for state employees.  
 Executive Departments and Administration

HB 545, relative to party committees.  
 Senate Executive Departments

HB 547, providing a method for the recall of certain elected officials.  
 Statutory Revision

HB 548, relative to annulment of records of conviction and sentence for certain offenders.  
 Senate Judiciary

HB 549, transferring ownership of certain state-owned dams to the water resources board.  
 Resources, Recreation and Development

HB 560 (Chapter 407, Sect. 2, Laws of 1983), restructuring the state mental health system and making an appropriation therefor and relative to a study committee for the purchase of certain products.

Stephen E. Merrill (Governor's designee)  
 Rep. John B. Tucker (Elsie Vartanian as designee in Speaker's absence)  
 Vesta M. Roy, President of the Senate  
 Chris Spirou, Minority Leader of the House  
 Sen. Leo E. Lessard (Senate Minority Leader's designee)

HB 560 (Chapter 407, Section 12, Laws of 1983), committee to study and make recommendations concerning purchase of products and services from the severely mentally handicapped.

Sen. Susan McLane (appointed by the President)  
 Rep. Robert N. Kelley (appointed by the Speaker) (alternate: V. Michael Hutchings)  
 Ronald C. Andrews, Director of the Division of Mental Health and Developmental Services

1 purchasing agent for state government appointed by Governor and Council  
 1 purchasing agent for county or municipal government appointed by Governor and Council  
 2 persons experienced in the administration of sheltered workshops or similar programs serving mentally handicapped persons

HB 568 (Chapter 134, Laws of 1983), establishing an advisory committee on long-term care.  
 Reps. Sara M. Townsend, Lynn Joslyn, Marion L. Copenhagen (appointed by the Speaker)  
 Sens. Susan McLane, Eleanor P. Podles and Greta I. Poulsen (appointed by the President)  
 2 representing home health agencies, one of whom shall be a registered nurse, appointed by the Governor  
 2 representing nursing homes, at least one of whom shall represent a county-owned nursing home, appointed by the Governor  
 2 representing community based social services for the elderly, appointed by the Governor  
 1 physician who specializes in care for the elderly, appointed by the Governor  
 1 representing a hospital, appointed by the Governor  
 1 representing the American Association for Retired Persons, appointed by Governor  
 1 representing the New Hampshire Association for the Elderly  
 Director of the Division of Welfare or his designee  
 Richard C. Lippincott, MD, (designee of the Director of the Division of Mental Health and Developmental Services)  
 Stephanie Eaton, Executive Director of the State Council on Aging.  
 Jerilyn M. Pelch, Ombudsman, under RSA 167-A:21 to 29  
 Susan B. Palmer (designee of the Director of the Division of Public Health Services)

HB 578 (Chapter 295, Laws of 1983), creating a joint legislative committee to study the feasibility of merging all unincorporated places with abutting towns.  
 Sens. Laurier Lamontagne, Greta I. Poulsen, George I. Wiggins (appointed by the President)  
 Reps. Lawrence J. Guay, Chairman, Howard C. Dickinson and Otto H. Oleson (appointed by the Speaker)  
 Kendall Norcott, Gorham and Stephen Barba, Dixville Notch (appointed by Coos County Commissioners)  
 Raymond Abbott, Jackson (appointed by Carroll County Commissioner)

HB 584, permitting towns without zoning to establish village districts.  
 Senate Public Affairs

HB 601, relative to assaults by prisoners and to confiscation of certain property.  
 Judiciary

HB 604, relative to cable television franchises.  
 Commerce, Housing and Consumer Affairs

HB 614, to prohibit blind bidding on motion pictures.  
 Commerce, Housing and Consumer Affairs

HB 629, relative to habitual offenders.  
 Transportation

HB 633, relative to benefits for part-time state employees.  
 Executive Departments and Administration

HB 639, relative to warranties in consumer sales.  
 Commerce, Housing and Consumer Affairs

HB 650 (Chapter 382, Laws of 1983), relative to court procedures, the select commission to examine a unified court system, Hillsborough county court facilities and nonjudicial employee retirement. (Chapter 488, Laws of 1979 and Chapter 562, Laws of 1981)  
 Sens. William S. Bartlett, Eleanor P. Podles and Norman E. Champagne (appointed by the President)  
 Reps. Donna P. Sytek, Kendall W. Lane and Francis E. Robinson (appointed by the Speaker)  
 Advisory Panel to Commission (non-voting members)  
 1 appointed by Chief Justice of Supreme Court

## INTERIM STUDY BILLS AND APPOINTMENTS

1 appointed by Chairman of Administrative Committee of District and Municipal Courts  
 Charles M. Eldredge, Esq., Portsmouth (appointed by the New Hampshire Municipal Association)  
 1 appointed by the New Hampshire Bar Association  
 1 appointed by Chief Justice of Superior Court  
 1 appointed by the New Hampshire Probate Judges' Association  
 William T. Andrews, New London (appointed by New Hampshire Association of Counties)

HB 656, establishing a controlled substances board and making an appropriation therefor.  
 Judiciary

HB 676, relative to sovereign immunity and the defense and indemnification of state employees.  
 Judiciary

HB 687, requiring any person filing a suit which delays the construction of a state highway or energy facility to post a bond.  
 Public Works

HB 689, relative to the regulation of auctioneers.  
 Executive Departments and Administration

HB 720, relative to adopting the federal numbering system for all watercraft 15 feet and over in length and imposing a water use permit fee.  
 Transportation

HB 726, relative to juvenile offenders at the youth development center.  
 State Institutions

HB 728, relative to screening for long term care. (Prescribed by HB 605, Chapter 390, Section 3, Laws of 1983; Special Committee consisting of conferees on HB 728)  
 Reps. Joanne C. Head, Lynn Joslyn, Alice T. Knight and Eugene S. Daniell  
 Sens. Susan McLane, Greta I. Poulsen and Eleanor P. Podles

HB 731, relative to the disposition of persons found not guilty by reason on insanity.  
 Judiciary

HB 735, requiring inmates of the state prison to pay for the costs of their incarceration.  
 Judiciary

HB 738, permitting the town of Clarksville to expend tax revenues for the plowing of certain private driveways.  
 Senate Public Affairs

HB 742, relative to solar energy and alternative energy sources.  
 Senate Development, Recreation and Environment

HB 748-FN, increasing boat registration fees; providing for the registration of sail boats; transferring the unrefunded gas tax for marine use to safety services and providing a restricted fund for boating safety enforcement.  
 Transportation

HB 752, defining full time employment for benefit purposes.  
 Labor, Human Resources and Rehabilitation

HB 756, relative to administrative inspection warrants.  
 Senate Judiciary

HB 771, relative to the court facility escrow account.  
 Judiciary

HB 777, relative to voter registration.  
 Statutory Revision

HB 778, relative to employee benefits in the event of a business closing.  
 Labor, Human Resources and Rehabilitation

HB 779, relative to binding arbitration for public employees.  
 Labor, Human Resources and Rehabilitation

HB 786, relative to delinquent children, abused and neglected children, and children in need of services.  
Education

HB 789, amending the elderly property tax exemption to provide for a consistent exemption regardless of the town's equalization ratio.  
Municipal and County Government

HB 791, revising the campaign financing statutes.  
Statutory Revision

HB 797, relative to mental health professionals.  
Executive Departments and Administration

HB 805, to provide for self-government for Strafford county.  
Municipal and County Government

HB 814, creating an exemption from the meals and rooms tax for nonprofit social clubs and fraternal organizations.  
Ways and Means

HB 823, prohibiting physicians from owning pharmacies.  
Executive Departments and Administration

HB 825, relative to referring certain zoning and subdivision changes to regional planning commissions and abutting towns.  
Senate Public Affairs

HB 826, relative to the powers and duties of regional planning commissions.  
Senate Public Affairs

HB 835, relative to regulation of water utilities. (Amended)  
Senate Public Affairs

HB 844, providing for a host community siting process for low-level radioactive waste disposal and making an appropriation therefor.  
Environment and Agriculture

HB 846, relative to games of chance.  
Regulated Revenues

HB 850, establishing a department of commerce.  
Executive Departments and Administration

HJR 3 (Chapter 361, Laws of 1983), to authorize a more comprehensive program to conserve the water resources of the state. (Continuing Oversight in Developing Water Policy and Management Guidelines)  
House Resources, Recreation and Development  
Senate Development, Recreation and Environment

HJR 4 (Chapter 362, III, Laws of 1983), memorializing the Vietnam veterans.  
James J. Barry, Manchester, V. Chairman (appointed by Governor)  
Sen. Laurier Lamontagne (appointed by the President)  
Rep. Chris Spirou, Chairman (appointed by the Speaker)  
David Houle, Manchester, Secretary (designee of the Chairman of State Veterans' Council)  
Bob Cisler, Manchester (designee of the Director of Veterans' Administration Medical Center)  
Henry W. Gresham, Manchester, Director of Veterans' Administration Regional Office  
Leslie P. Mason, Concord (designee of the Adjutant General of New Hampshire)  
Paul Lavoie, Hudson (alternate: Joe Belcastro, Manchester) and Kenneth E. Leidner, Concord (alternates: Edward Bowser, Henniker and Steven Fowle, Hillsboro) representing each of the 2 Chapters of Vietnam Veterans of America in New Hampshire (designated by the president of each Chapter)

HCR 3, expressing the sense of the general court that the President should propose that the United States and the Soviet Union adopt a mutual, verifiable nuclear weapons freeze.  
State-Federal Relations

HCR 11, establishing a committee to address the issue of visual pollution of New Hampshire's highways. (Approved June 16, 1983)  
Sens. Robert F. Preston and George E. Freese (appointed by the President)

## INTERIM STUDY BILLS AND APPOINTMENTS

Reps. Howard C. Dickinson and Mary Ann Lewis (alternates: Reps. Elizabeth S. Bardsley and Patricia M. Lyons) (appointed by the Speaker)  
 James Driscoll (designee of the Commissioner of Department of Resources and Economic Development)  
 John L. Oudens (designee of the Commissioner of Public Works and Highways)  
 Ronald L. Brown and Ellis A. Ring (appointed by the President of NH Travel Council, Inc.)  
 Marcy Lyman (appointed by the President of Society for the Protection of NH Forests)  
 Roger Akeley, Jr. (designee of the President of the Association of Regional Planning Commissions)  
 Marjorie M. Swope (designee of the Executive Director of Association of Conservation Commissions)  
 John B. Andrews, Director of NH Municipal Association  
 Harry MacLeod (designee of the President of NH Hospitality Association)  
 Alice Chamberlin, Chairman of Environmental Law Council  
 Tracy Gallagher, President of the Business and Industry Association

HBI 2002, studying how to encourage captive insurance companies to locate their head offices in New Hampshire.

House Commerce, Housing and Consumer Affairs

HBI 2004, relating to studying the amount of profit received on the sale of wine in privately owned stores and state liquor stores and ways in which the state may realize a larger margin of profit through the liquor commission.  
 House Ways and Means

HBI 2006, relating to the control and restraint of guard dogs.

House Public Protection and Veterans Affairs

HBI 2007, relating to a study of the fish and game license fees.

House Fish and Game

HBI 2008, relating to further study of planning and zoning laws.

House Municipal and County Government

HBI 2009, relating to executive department reorganization.

House Executive Departments and Administration

CACR 5, relating to the state mandating and assigning programs and responsibilities to towns and other political subdivisions. Providing that funding shall accompany any such mandate or assignment.

Constitutional Revision

SB 1, abolishing settlement and clarifying the responsibility of towns, cities, counties and the state to provide assistance to needy poor people and juveniles.

Senate Internal Affairs

SB 5, relative to state owned motor vehicles.

Senate Transportation

SB 11, allowing school districts to adopt an article or line item for the expenditure of funds generated by or for certain activities.

Senate Education

SB 16, increasing the jurisdictional amount of the small claims court.

Judiciary

SB 21, requiring the defendant in landlord-tenant cases to post sureties before filing an appeal and to pay the costs of an appeal as may be ordered.

Senate Public Affairs

SB 22, authorizing the financing of life-care or continuing care facilities for the elderly under the New Hampshire higher educational and health facilities.

Health and Welfare

SB 30, concerning returnable beverage containers.

Sens. Stabile, Chairman, Bartlett, White, Freese, Wiggins, Blaisdell and Boyer

Reps. William Russell, Vice-Chairman, Harold Burns, Tamposi, Chardon and Demers

SB 35, relative to the protection of tenants in conversion of rental units.

Senate Public Affairs



SB 36, eliminating appeals to the superior court in landlord-tenant actions.

Senate Public Affairs

SB 57, relative to the authority of selectmen over certain police budgets.  
Municipal and County Government

SB 59, placing a surcharge on all hunting licenses to establish a deer management program.

Fish and Game

SB 64, relative to the removal of an independent candidate's name from the ballot.

Senate Executive Departments

SB 67, relative to the definition of dividends.  
Senate Banks

SB 70, relative to interstate banking.  
Commerce, Housing and Consumer Affairs

SB 75, relative to workmen's compensation for part-time members of police departments.

Labor, Human Resources and Rehabilitation

SB 77, relative to games of chance.  
Senate Ways and Means

SB 78, relative to renomination or reelection of teachers.  
Judiciary

SB 85, making a capital appropriation for a south bound return ramp at Granite street from I-293 in the city of Manchester.  
Public Works

SB 92, to provide weighted voting for the members of the county convention voting on the Sullivan county budget.

Senate Public Affairs

SB 94, relative to property tax exemptions.  
Municipal and County Government

SB 96, permitting the financing of proprietary hospital facilities by the industrial development authority.

Senate Ways and Means

SB 107, relative to the enforcement powers of agents of the liquor commission.

Senate Ways and Means

SB 110, establishing a state historic marker commission. (Amended)  
Executive Departments and Administration

SB 117, relative to service of civil process by private citizens.  
Senate Judiciary

SB 118, redefining the term "private employer" for the purposes of workmen's compensation law.

Senate Insurance

SB 129, relative to the housing finance authority.  
Commerce, Housing and Consumer Affairs

SB 140, relative to reinsurance.  
Senate Insurance

SB 145, relative to licensee and permittee violations of certain liquor commission laws and rules.  
Judiciary

SB 146, relative to eligibility for certain public assistance.  
Senate Public Institutions/ Health and Welfare

## INTERIM STUDY BILLS AND APPOINTMENTS

SB 147, relative to disqualification for noncompliance with general assistance guidelines.

Senate Public Institutions/Health and Welfare

SB 157 (Chapter 453, Section 14, Laws of 1983), to regulate certified clinical social workers.

Reps. Esther R. Nighswander, Stephen N. Harnish and Virginia O'Brien Irwin (alternates: Reps. James F. Kinhan, Anne Leslie and Elaine S. Krasker (appointed by the Speaker)

Sens. Susan McLane, Chairman, Greta I. Poulsen and Robert F. Preston (alternates: Sens. Leo E. Lessard and James R. Splaine) (appointed by the President)

SB 166, relative to enterprise zones.

Commerce, Housing and Consumer Affairs

SB 167 (Chapter 411, Laws of 1983), establishing an advisory committee on rules of evidence.

Reps. Donna P. Sytek, Kendall W. Lane and David D. King (appointed by the Speaker)

Sens. Norman E. Champagne, Richard E. Boyer and Leo E. Lessard (appointed by the President)

President of the New Hampshire Bar Association or designee

SB 169 (Chapter 412, Laws of 1983), establishing a study committee to review the rules of the water supply and pollution control commission, excluding those rules which involve municipal systems.

Sens. George I. Wiggins, John P. Stabile and Robert F. Preston (appointed by the President)

Reps. James A. Whittemore, Charles H. Dingle and Arthur J. Boulter (appointed by the Speaker)

SB 170, relative to group homes.

Senate Public Institutions/Health and Welfare.

SB 171 (Chapter 377, Laws of 1983), relative to the board of registration in medicine, certain positions at the New Hampshire hospital and a legislative study committee.

(See Senate Bill 157)

SB 174, permitting limited trimming in front of signs.

Senate Development, Recreation and Environment

SB 179, relative to delinquents.

Health and Welfare

SB 184, prohibiting employers from using or giving truth sensing devices to employees as a condition of employment.

Labor, Human Resources and Rehabilitation

SB 187, relative to suits by county attorneys to protect air and water quality within the county.

Senate Development, Recreation and Environment

SB 189, relative to the election of the members of the county convention.

Municipal and County Government

SB 191, relative to reorganization of state government.

Senate Executive Departments

SB 202, providing for a method of protection of the groundwater of the state.

Senate Development, Recreation and Environment

SB 203, establishing a state department of transportation.

Senate Executive Departments

SB 210 (Chapter 358, Laws of 1983), New Hampshire Constitution Bicentennial Education Commission (SB 186, Chapter 398, Laws of 1981)

Frances Nankin, Jaffrey Center and Richard Noyes, North Salem (appointed by Governor and Council)

Reps. John B. Tucker and Mary P. Chambers (appointed by the Speaker)

Sens. Clesson Blaisdell and John P.H. Chandler (appointed by the President)

Hon. Charles G. Douglas, III, Associate Justice of the Supreme Court,  
 Chairman and Rep. Joseph Eaton (appointed by Justices of the New Hampshire  
 Supreme Court)  
 Neal Andrew (designee of the Commissioner of Education)  
 Robert R. Howard, III, Esq., Clerk (designee of the President of New  
 Hampshire Bar Association)  
 George Campbell, Manchester (appointed by the New Hampshire School  
 Principals Association)  
 Edwina Morrill, Concord (appointed by the New Hampshire School Boards  
 Association)  
 Peter J. Donahue, V. Chairman (designee of the President of 1974 New  
 Hampshire Constitutional Convention)  
 William M. Gardner, Secretary of State

SB 214, making certain changes in the election laws.  
 Senate Executive Departments

SCR 2 (1981), New Hampshire Bicentennial Commission on the United States  
 Constitution

Sens. Clesson J. Blaisdell, John P.H. Chandler, James R. Splaine, George  
 I. Wiggins and Roderick Allen (appointed by the President)  
 Reps. Joseph M. Eaton, Russell C. Chase, Beverly Hollingworth, Edna Pearl  
 F. Parr and Natalie S. Flanagan (appointed by the Speaker)  
 William M. Gardner, Secretary of State  
 Peter W. Mosseau, Deputy Attorney General (designee of the Attorney  
 General)  
 William E. Sanborn, David Proper, Richard F. Upton, Esq., Jere R. Daniell,  
 Mary Louise Hancock, Arthur J. Moody, David M. Nixon, Esq., and Richard L.  
 Fortin (appointed by the Governor and Council)

RSA 8-C:2 Data Processing Commission

Michael Cornelius, Comptroller (ex officio)  
 1 member appointed by the Governor and Council  
 Sen. Ralph Degnan Hough (appointed by the President)  
 Rep. John P. Lawrence (appointed by the Speaker)  
 1 member appointed by a majority of the other four members, not in the  
 employ of the state nor a legislator, but with experience in or knowledge  
 of Data Processing application.

RSA 9:13-a Advisory Budget Control Committee (amended; HB 674, Chapter 470,  
 Laws of 1983)

Rep. William F. Kidder, Chairman House Appropriations  
 Reps. John J. Kane and Margaret A. Ramsay (appointed by the Speaker)  
 Sen. Jean T. White, Chairman Senate Finance  
 Sens. William S. Bartlett and Norman E. Champagne (appointed by the  
 President)

RSA 14:30-a Legislative Fiscal Committee

Reps. William F. Kidder, Chairman, Paul I. LaMott, William R. Matson,  
 Rowland H. Schmidtchen and Andrea A. Scranton (appointed by Appropriations  
 Chairman)  
 Sens. Jean T. White, Ralph D. Hough and Norman E. Champagne (appointed by  
 Finance Chairman)

RSA 17-C Joint Committee on Legislator Orientation

Reps. Conrad L. Quimby, Phoebe A. Chardon and Margaret A. Ramsay  
 (appointed by the Speaker)  
 John B. Tucker, Speaker, Carl A. Peterson, House Clerk and Lynne C.  
 Dennis, Director of Legislative Services  
 Sens. Roderick Allen and Leo Lessard (appointed by the President)  
 Vesta M. Roy, President and Wilmont S. White, Senate Clerk

RSA 17-E:2 Joint Committee on Legislative Facilities

Rep. John B. Tucker, Chairman, Sen. Vesta M. Roy, Vice Chairman, Rep.  
 Bruce C. Rounds, House Majority Leader, Sen. John P. Stabile, II, Senate  
 Majority Leader, Rep. Chris Spirou, House Minority Leader, Sen. Norman E.  
 Champagne, Senate Minority Leader, Rep. William F. Kidder, Chairman,  
 Appropriations, Sen. Jean T. White, Chairman Finance  
 Reps. Paul I. LaMott and Marshall French (appointed by Speaker)  
 Sens. Leo E. Lessard and George E. Freese (appointed by President)

RSA 17-F:2 Sunset Committee

Reps. John B. Tucker, Bruce C. Rounds and Sara M. Townsend (appointed by  
 the Speaker)  
 Sens. Vesta M. Roy, Minnie F. Carswell and George I. Wiggins (appointed by  
 the President)

## INTERIM STUDY BILLS AND APPOINTMENTS

Reps. Patti Blanchette and Peter E. Ramsey (appointed by Minority Leader)  
Sens. Leo E. Lessard and Richard E. Boyer (appointed by Minority Leader)

RSA 17-H Joint Committee on Elderly Affairs

Reps. Edna Pearl F. Parr, Mary C. Holmes and Alice Tirrell Knight  
Sens. Greta I. Poulsen and Laurier Lamontagne

RSA 17-I Joint Legislative Historical Committee

Sen. Vesta M. Roy (President of the Senate)  
Sens. John P. Stabile, Norman E. Champagne and Louis E. Bergeron  
(appointed by the President)  
Rep. John B. Tucker (Speaker of the House)  
Reps. Marshall French, Bruce C. Rounds and Chris Spirou (appointed by the Speaker)

RSA 17-J Joint Legislative Capital Budget Overview Committee

Rep. James V. Bibbo, Chairman of Public Works  
Reps. James C. Chamberlin, William J. Driscoll, Paul I. LaMott, Walter Palmer and William R. Matson (appointed by the Speaker)  
Sen. Jean T. White, Chairman of Senate Capital Budget  
Sens. John P. Stabile, Norman E. Champagne and John P.H. Chandler  
(appointed by the President)

RSA 17-L Joint Committee on Implementation of Reorganization (HB 1, Chapter 372, Laws of 1983 - Supersedes HB 744, Chapter 461, Section 22)

Reps. Bruce C. Rounds, Chairman, Phoebe A. Chardon, Clerk and Kathleen W. Ward (alternate: Rep. Harold W. Watson) (appointed by the Speaker)  
Reps. Chris Spirou and Victor J. Joos, Jr. (appointed by House Minority Leader)  
Sens. Jean T. White, Vesta M. Roy and William S. Bartlett (appointed by the President)  
Sens. Norman E. Champagne, V. Chairman and Robert Stephen (appointed by the Senate Minority Leader)  
Stephen E. Merrill (non-voting member) (designee of the Governor)

RSA 17-M Long Range Capital Planning and Utilization Committee (HB 341, Chapter 428, Laws of 1983 - consolidates the Office Space Study Committee with the Capital Planning Committee)

S. M. Vershon (appointed by the Governor)  
Sens. George E. Freese, John P. Stabile, Susan McLane and Robert Stephen  
(appointed by the President)  
Reps. Bruce C. Rounds (Speaker's designee) James V. Bibbo, Chairman, Paul I. LaMott and Elizabeth D. Murphy (appointed by the Speaker)  
Ralph Brickett, Deputy Comptroller (advisory member)  
Walter F. Mead, Assistant Commissioner (designee of the Commissioner of Public Works) (advisory member)

RSA 19:2 Interstate Cooperation Commission

Reps. John B. Tucker, Marshall French and Paul G. Meader (appointed by the Speaker)  
Sens. William A. Johnson, John P.H. Chandler and Robert F. Preston  
(appointed by the President)

RSA 79-A:3 Current Use Advisory Board

Rep. Elmer L. Johnson (appointed by the Speaker)  
Sen. George I. Wiggins (appointed by the President)

RSA 99:20 State Employee Productivity Incentive Program

Rep. Marshall French (designee of the Speaker)  
Sen. George E. Freese (designee of the President)

RSA 107:5 Civil Defense Advisory Council

Rep. Richardson D. Benton and Sen. Vesta M. Roy

RSA 110-B:62 National Guard Scholarship Fund

Rep. Arthur J. Locke and Sen. Richard E. Boyer

RSA 125:77-h Low-Level Radioactive Waste Management Task Force

Reps. M. Arnold Wight and Robert H. Eisengrein (appointed by the Speaker)  
Sens. Vance R. Kelly and James R. Splaine (appointed by the President)

RSA 126-A:8 Health and Welfare Oversight Committee

Reps. Joanne C. Head, Evelyn S. Dean, Stephen N. Harnish, James B. Craig and Matthew M. Sochalski (alternate: Samuel D. Clark) (appointed by the Speaker)  
Sens. Greta I. Poulsen, Eleanor P. Podles, Robert F. Preston, Susan McLane and James R. Splaine (appointed by the President)

RSA 149-H:1 Hazardous Material Transportation Advisory Board  
Rep. Elizabeth A. Greene and Sen. William S. Bartlett

RSA 151-C:3-a Certificate of Need Review Board (HB 645, Chapter 391, Laws of 1983)

Forrest D. McKerley, Boscawen, Leigh D. Bosse, Hillsborough and Priscilla F. Batchelder, Keene (appointed by Governor)  
Rep. Matthew M. Sochalski (appointed by the Speaker)  
Ruth L. Griffin, Portsmouth (appointed by the President)  
2 members appointed by Commissioner of the Department of Health and Welfare (1 shall be a consumer of health care having an educational or work background in finance or accounting and 1 shall be a provider of health care)

RSA 167-A New Hampshire Council on Aging

Rep. Edna Pearl F. Parr (alternate: William P. Boucher) and Sen. Laurier Lamontagne

RSA 172-A:4 Halfway House Advisory Commission

Reps. Milton A. Cate, Eleanor Carpenito and Elsie Vartanian  
Sen. Robert Stephen

RSA 187-A:26-a University System Study Committee (amended HB 127, Chapter 420, Laws of 1983)

Sens. William A. Johnson, Clesson Blaisdell and Greta I. Poulsen (appointed by the President)  
Reps. William P. Boucher, Andrea A. Scranton, J. Arthur Tufts, Betty Jo Taffe and Rita M. Brack (appointed by the Speaker)

RSA 200-G:2 Education Commission of the States

Rep. Betty Jo Taffe and Sen. Vance R. Kelly

RSA 201-A:24 Automated Information Systems Board (HB 416, Chapter 271, Laws of 1983)

State Librarian (ex officio)  
Director of Technical Services Division of State Library (ex officio)  
Rep. Patricia M. Skinner (appointed by the Speaker)  
Sen. Eleanor P. Podles (appointed by the President)  
1 Academic Librarian appointed by Executive Board to Academic Librarians Chapter of New Hampshire Library Association  
2 public Librarians appointed by Executive Board of New Hampshire Library Association  
1 Librarian representing special libraries appointed by State Librarian  
1 School Librarian appointed by Executive Board of New Hampshire Educational Media Association  
Attorney General Gregory H. Smith (appointed by the New Hampshire Bar)  
Additional persons from state government and the library community as the Library Commission shall deem necessary to further the purposes of the Board

RSA 273-B:4 Joint Committee on Employment Relations (Amended - HB 382, Chapter 386, Laws of 1983)

Reps. John B. Tucker, Speaker; Bruce C. Rounds, Majority Leader; Chris Spirou, Minority Leader; William F. Kidder, Appropriations Chairman; W. Douglas Scamman, Ways and Means Chairman; Patricia M. Skinner, Labor, Human Resources and Rehabilitation Chairman; and Robert W. Wheeler, Labor, Human Resources and Rehabilitation ranking Democratic member; Sens. Vesta M. Roy, President; John P. Stabile, Majority Leader; Norman E. Champagne, Minority Leader; Jean T. White, Finance Chairman; Clesson J. Blaisdell, Ways and Means Chairman; George E. Freese, Insurance Chairman; and Louis E. Bergeron, Insurance Vice Chairman

RSA 281:55 Advisory Council on Workmen's Compensation

Rep. Patricia M. Skinner and Sen. Norman E. Champagne

RSA 383:20 Bank Advisory Board

Reps. Betty Tamposi and Gary S. Dionne; Sen. George E. Freese

RSA 482:74 Legislative Dam Management Review Committee (HB 367, Chapter 191, Laws of 1983)

Reps. Paul G. Meader, Annie Mae Schwaner, Virginia M. Banks and Leander W. Burdick (appointed by the Speaker)  
Sens. George I. Wiggins, Robert F. Preston, Greta I. Poulsen and William A. Johnson (appointed by the President)  
Delbert F. Downing, Chairman of Water Resources Board (alternate: Vernon Knowlton) (nonvoting member)



RSA 541-A:11 Legislative Committee on Administrative Rules (See HB 366, Chapter 454, Laws of 1983)

Reps. Sara M. Townsend, Paul I. LaMott, Ada L. Mace, Marion L. Copenhaver and Anne Leslie (appointed by the Speaker)  
Sens. George E. Freese, Vance R. Kelly, George I. Wiggins, Robert Stephen and Leo E. Lessard (appointed by the President)

RSA 541-B:3 New Hampshire Board of Claims

Rep. Richardson D. Benton and Sen. William S. Bartlett

Chapter 246 (Laws of 1975) Committee to Investigate Appropriate Alternatives to the Confinement of Children at the Youth Development Center of the New Hampshire Hospital.

Reps. Elsie Vartanian, Ralph Parker and Virginia O'Brien Irwin  
Sens. Vance Kelly, Eleanor Podles and Susan McLane

Ad Hoc Day Care Advisory Committee

Reps. Carole M. Nevins and Emma B. Wheeler  
Sen. Eleanor P. Podles

Resigned

06/28/83	Rock. 14	Paul T. Keenan, d
07/18/83	Rock. 6	Ralph L. Blake, r
07/19/83	Straf. 8	David J. Bouchard, d
09/14/83	Belk. 6	Jane F. Sanders, r
09/25/83	Rock. 3	Carole M. Nevins, r
10/26/83	Coos 3	George A Langley, d

Deceased

02/01/83	Graf. 9	Harold V. Buckman, r
02/07/83	Hills. 16	Eben B. Bartlett, Jr., r
02/19/83	Carr. 1	Donalda K. Howard, r
03/15/83	Sull. 3	Farrell J. Quinlan, r
10/17/83	Straf. 4	Everett B. Sackett, r
12/21/83	Hills. 30	Dorothy J. Drewniak, d

Special Elections:

<u>District</u>		<u>Took Oath</u>
Merr. 16	Kathleen A. Degnan, d	02/02/83
Hills. 16	Barbara A. Fried, r	05/17/83
Carr. 1	Gene G. Chandler, r	06/09/83
Graf. 9	John B. Townsend, r	06/09/83
Sull. 3	Constance M. Mehegan, r	06/29/83
Rock. 6	Susan M. Joyce, d	10/25/83
Rock. 14	Arthur F. Leverone, d	10/25/83

## 400 State Representatives

R - 178	R/D - 56	234
D - 135	D/R - 23	158
Ind. - 1	Ind. & R - 1	2

Currently elected and qualified: 394

Vacancy due to: 4 resignations 2 deaths

## STANDING COMMITTEES OF THE HOUSE

REPUBLICANDEMOCRAT

## APPROPRIATIONS

Kidder, William F., Chm.  
 LaMott, Paul I., V. Chm.  
 Scranton, Andrea A.  
 Palmer, Walter H.  
 Boucher, Laurent J.  
 Kane, John J.  
 Schmidtchen, Rowland H.  
 Birch, Clifford W.  
 Chase, Russell C.  
 Gross, Caroline L.  
 Miller, Jeffrey C.  
 Steiner, Lee Anne S.  
 Torr, Franklin

\*Leslie, Anne  
 Matson, William R.  
 King, Michael B.  
 Oleson, Otto H.  
 Ramsey, Peter E.  
 Katsiaficas, Chrysoula A.  
 Murphy, Elizabeth D., Clerk  
 Ramsav, Margaret A.

## COMMERCE, HOUSING AND CONSUMER AFFAIRS

Quimby, Conrad L., Chm.  
 Burns, Harold W., V. Chm.  
 Hynes, Thomas W.  
 Logan, James L.  
 Roberts, William L.  
 Smith, B. P.  
 Christy, C. Dana  
 Allgeyer, Edward J.  
 Beliveau, Roger R.  
 Burns, A. Leslie  
 Longworth, Tom  
 Vecchione, Gerald  
 Wells, Peter F., Sr.  
 Wood, Lucille T., Clerk

\*Gelinas, David L.  
 Crory, Elizabeth L.  
 Baker, George H., Sr.  
 Guay, Lawrence J.  
 Lamy, Catherine G.  
 Pressly, Barbara B.  
 Michaelides, George  
 Lynde, Harold V., Jr.  
 Sullivan, William J.

## CONSTITUTIONAL REVISION

Eaton, Joseph M., Chm.  
 Chase, Russell C., V. Chm.  
 Chandler, Gene G.  
 Lovejoy, Virginia K.  
 Stark, Eleanor H., Clerk  
 Bangs, Geraldine  
 Stewart, Roger  
 Wells, Peter F., Sr.  
 Duggan, Joseph F.  
 Chandler, Gene G.

\*Wallace, Roger E.  
 Vachon, Rose C.  
 Levesque, Maurice J.  
 Martineau, Roland D.  
 Fielding, William A.

## EDUCATION

Boucher, William P., Chm.  
 Taffe, Betty Jo, V. Chm.  
 Van Loan, Anna S.  
 Keefe, Edmund M.  
 Moore, Robert W., Jr.  
 Tufts, J. Arthur  
 Cutting, Mable G.  
 Davis, Jesse F.  
 Stylianos, Thomas  
 Mason, Howard F.  
 Pearson, Ralph W., Clerk  
 Kinhan, James F.  
 Robinson, Ellen-Ann  
 Walker, E. Jane

\*Brack, Rita M.  
 Winn, Cecelia L.  
 Riley, William A.  
 Bolduc, Dennis R.  
 Case, Margaret A.  
 Nelson, Mary S.  
 O'Rourke, Joanne A.  
 Quinn, Charles J.  
 Resch, John

## ENVIRONMENT AND AGRICULTURE

Greene, Elizabeth A., Chm.  
 Campbell, Marilyn R., V. Chm.  
 Bowler, Barbara B.  
 Pevear, Roberta C., Clerk  
 Bowes, Joseph B.

\*LoFranco, Jack  
 Kozacka, Frank J.  
 Trombly, Rick A.  
 Chisholm, Harold E.  
 Joos, Victor J., Jr.

Torr, Ralph W.  
 Johnson, Elmer L.  
 Shepard, Irene J.  
 Anderson, Eleanor M.  
 Flanders, Harry E.  
 Rogers, Linwood A.  
 Smith, Gerald L.  
 Whittemore, Eleanor H.  
 Sherburne, John L.

Timm, Frederick N.  
 Popov, Elizabeth M.  
 Chynoweth, Graham  
 Cressy, Ellen M.

## EXECUTIVE DEPARTMENTS AND ADMINISTRATION

Ward, Kathleen W., Chm.  
 Watson, Harold W., V. Chm.  
 Townsend, Sara M.  
 Carragher, Audrey A.  
 Mace, Ada L.  
 Malcolm, Kenneth W.  
 Ford, Nancy M.  
 Bass, Charles F.  
 Dexter, Dean  
 Downing, Craig A.  
 Gregorio, William  
 Holmes, Robert B., Jr.  
 Hraba, John B.  
 Hutchings, V. Michael

\*Barber, Robert E., Jr.  
 Hendrick, Nancy C.  
 Chynoweth, Graham  
 Joos, Victor J., Jr.  
 Newman, Rick G.  
 Parmenter, Ann M.  
 Pelley, Janet R.  
 Rosencrantz, James R.  
 King, Wayne D., Clerk

## FISH AND GAME

Stimmell, John H., Chm.  
 Cate, Milton A., V. Chm.  
 Smith, Gerald R.  
 Chappell, Colon  
 Crane, Clayton H.  
 Kelley, Glenden J.  
 Lewis, Mary Ann  
 Torr, Ralph W.  
 Drake, Herbert R.  
 Hawkins, George H.  
 Hussey, Robert D.  
 Moore, William W.

\*Pantelakos, Laura C., Clerk  
 Theriault, Romeo J.  
 Blouin, Paul E.  
 Brodeur, Robert J.  
 Chagnon, Ronald R.  
 Dionne, Albert J.  
 Turgeon, Roland M.  
 Flynn, Anita A.  
 Riley, Doris J.

## HEALTH AND WELFARE

Head, Joanne C., Chm.  
 Craig, James B., V. Chm.  
 Butler, Gertrude I.  
 Wheeler, Emma B.  
 Appleby, James E.  
 Knight, Alice Tirrell  
 Dean, Evelyn S., Clerk  
 Holmes, Mary C.  
 Sochalski, Matthew M.  
 Nighswander, Esther R.  
 Charbonneau, Rhona M.  
 Harnish, Stephen N.  
 Joslyn, Lynn

\*Copenhaver, Marion L.  
 MacDonald, Joseph A.  
 Carpenito, Eleanor F.  
 Daniell, Eugene S., Jr.  
 Wallner, Mary Jane  
 Sullivan, Mary J.  
 Clark, Samuel D.  
 Roberts, Louise Petit  
 Jean, Romeo W.

## JUDICIARY

Sytek, Donna P., Chm.  
 Lane, Kendall W., V. Chm.  
 Riley, Doris J.  
 Gage, Thomas U., Clerk  
 Holbrook, Robert G.  
 Underwood, Barbara J.  
 Robinson, Francis E.  
 Watson, Geraldine G.  
 Duprey, Richard H.  
 Jones, Michael E.  
 King, David D.  
 Nickerson, Elmer B.  
 Johnson, Paul M.  
 Sylvia, Frank J.

\*Ahlgren, Gregory J.  
 Healy, Daniel J.  
 Hollingworth, Beverly A.  
 Eaton, Daniel A.  
 Kennedy, William H.  
 Raiche, Maureen E.  
 King, Evelyn A.  
 Ahern, Debora A.  
 Cote, David E.

## STANDING COMMITTEES OF THE HOUSE

## LABOR, HUMAN RESOURCES AND REHABILITATION

Skinner, Patricia M., Chm.	*Wheeler, Robert W.
Nichols, Avis B., V. Chm.	Reidy, Frank J.
Romoli, Merino, Jr.	McGlynn, Margaret L.
Duffett, Jean H.	Connors, Thomas P., Sr.
McAvoy, Rita C.	Burkush, Wilfred
Tufts, J. Arthur	Splaine, John E.
Warburton, Calvin, Clerk	Zajdel, Stanley J.
Flanders, John W.	Belhumeur, Roland E.
Hawkins, Robert S.	Lussier, Martin P.
Moore, William W.	Converse, Larry
Simon, Peter M.	
Webster, John E., Jr.	
Weymouth, Philip H.	

## LEGISLATIVE ADMINISTRATION

Gage, Beverly A., Chm.  
 Tamposi, Betty, V. Chm.  
 Boucher, Laurent J., Clerk

## Subcommittees:

## Elections

Rounds, Bruce C., Chm.	*Healy, Daniel J.
Taffe, Betty Jo	Chambers, Mary P.

## Enrolled Bills

Tamposi, Betty, Chm.	*Donovan, Francis X.
Peters, Marjorie Y.	Grassie, Charles W., Jr.

## Journal

Benton, Richardson D., Chm.	Kaklamanos, James
Boucher, Laurent J.	White, James J.
Burns, Harold W.	

## Resolutions and Screening

French, Marshall, Chm.	*Abrams, Holly
Gage, Beverly A.	Demers, James M.
Scamman, W. Douglas, Jr.	

## Mileage and Electronic Roll Call

LaMott, Paul I., Chm.	*Lamy, Catherine G.
MacDonald, Kenneth J.	White, James J.
Townsend, Sara M.	
Vartanian, Elsie	

## MUNICIPAL AND COUNTY GOVERNMENT

Mann, Ezra B., II, Chm.	*Cronin, Lawrence
Lamprey, George S., V. Chm.	Drewniak, Dorothy J.
King, Roger C.	Healy, Walter
Day, Robert H.	Clark, Eugene W.
Gray, Leonard W.	Dupont, Helene R.
Lawrence, John P.	Hamel, Paul J.
Perry, David M.	Peters, Arnold W.
Paradis, Aime H.	Talbot, Armand D.
Jacobson, Alf E.	Cressy, Ellen M.
Golden, Paul A.	
Grodin, Richard A.	
Morse, JoAnn T., Clerk	
Reney, Everett R.	
McIntire, Frank E.	

## PUBLIC PROTECTION AND VETERANS AFFAIRS

Benton, Richardson D., Chm.	*Dionne, Albert J.
Zimmerman, Edward M., V. Chm.	Carlson, Robert H.
Ellyson, Alfred	Bergeron, Lafayette J.
Locke, Arthur J., Clerk	Chisholm, Harold E.
Kelley, Glenden J.	Maltais, Eugene R.
Ames, Warren F., Sr.	Morrisette, Roland A.
Fields, Dennis H.	Wallace, John J.
Flanders, John W.	
Musler, George T.	
Perkins, Jon H.	



## PUBLIC WORKS

Bibbo, James V., Jr., Chm.	*Donovan, Francis X.
Walter, Lorine M., V. Chm.	Kincaid, William K.
Galloway, Robert L.	LaBranche, Rudolph G.
Gage, Beverly A.	Brideau, Norman A.
Grasso, Salvatore P.	Creteau, Richard W.
Stio, Peter M.	Levesque, Maurice J.
Whittemore, David T.	Pelletier, Ted A.
Ingram, Mildred S.	Degnan, Kathleen A.
Chamberlin, James C., Clerk	Wagner, Darrell A.
Driscoll, William J.	
Silva, Joseph M.	
Ashnault, Paul O.	
Nute, Charles M.	
Mehegan, Constance M.	

## REGULATED REVENUES

MacDonald, Kenneth J., Chm.	*Hynes, John W.
Russell, William A., V. Chm.	Blanchette, Patti
Horton, Lynn C.	D'Amante, Carmine F.
Humphrey, Howard S.	Bernard, Mary E.
Eaton, Clyde S.	Valliere, Alcide E.
Kashulines, Juanita E.	Gagnon, Gabrielle V.
Mason, Robert P., Clerk	Hennessey, Raymond F.
Blaisdell, Robert R.	Dion, William G.
Harrington, Marian R.	Galway, Richard E.
Kelley, Robert N.	
McDonnell, Kenneth L.	
Phelps, James D.	
Powers, Gerard E., Jr.	
Simon, Peter M.	

## RESOURCES, RECREATION AND DEVELOPMENT

Meador, Paul G., Chm.	*Schreiber, Joan M.
Dickinson, Howard C., Jr., V. Chm.	Lefebvre, Roland J.
Schwaner, Annie Mae	Lyons, Patricia M.
Sanders, Jane F.	Banks, Virginia M.
Chardon, Phoebe A.	Blanchard, Mary Ann N.
Lewis, Mary Ann, Clerk	Boulter, Arthur J.
Burdick, Leander W.	Carlson, Robert H.
Wood, Raymond W.	Coulombe, Yvonne
Bardsley, Elizabeth S.	Migneault, Raymond N.
Blair, Richardson	
Dingle, Charles H.	
Locke, Matthew J.	
Whittemore, James A.	
Woodward, Douglas R.	
Mehegan, Constance M.	

## RULES

Tucker, John B., Chm.	*Spirou, Chris
French, Marshall, V. Chm.	Chambers, Mary P.
Rounds, Bruce C.	Krasker, Elaine S.
Townsend, Sara M.	
Burns, Harold W.	

## SCIENCE AND TECHNOLOGY

Wight, M. Arnold, Jr., Chm.	*Eisengrein, Robert H.
Randall, Kenneth A., V. Chm.	Hollingworth, Beverly A.
Smith, Leonard A.	Kozacka, Frank J.
Newell, Benjamin C.	Lemire, David B.
Labombarde, Philip deG.	Clark, Eugene W.
Duffett, Jean H.	Boulter, Arthur J.
Arris, George A.	King, Wayne D.
Bolan, John F., III	Waldron, Hermine
Burns, John E., Clerk	
Easton, Roger L.	
Meador, David R.	
Palumbo, Vincent J.	
Pannell, James H.	

## STANDING COMMITTEES OF THE HOUSE

## STATE - FEDERAL RELATIONS

Parr, Ednapearl F., Chm.	*King, Michael B.
Chardon, Phoebe A., V. Chm.	Spirou, Chris
Townsend, Sara M., Clerk	Chambers, Mary P.
Rounds, Bruce C.	Krasker, Elaine S.
Meador, Paul G.	Demers, James M.
Quimby, Conrad L.	Leslie, Anne
Russell, William A.	Blanchette, Patti
Skinner, Patricia M.	Lemire, Roland R.
Sytek, Donna P.	
Walter, Lorine M.	
Tucker, John B.	

## STATE INSTITUTIONS

Vartanian, Elsie, Chm.	*Cotton, Mary E.
Carragher, Audrey A., V. Chm.	Leclerc, Charles J.
Savaria, Louis A.	Dionne, Gary S.
Gross, Caroline L.	Robie, Dana J.
Dean, Evelyn S.	Girouard, Shirley A.
Driscoll, William J.	Irwin, Virginia O'Brien
French, Marshall	Lyons, Patricia M.
Parr, Ednapearl F.	McLane, Susan B. R.
Watson, Geraldine G.	Couture, Gerard R.
Boutwell, Ralph S.	
Nagel, Carol, Clerk	
Parker, Ralph	
Whitecomb, Henry F.	
Fried, Barbara A.	

## STATUTORY REVISION

Flanagan, Natalie S., Chm.	*Abrams, Holly
McAvoy, Rita C., V. Chm.	Lemire, George E.
Lovejoy, Virginia K., Clerk	Sullivan, Lawrence J.
Stark, Eleanor H.	White, James J.
Cutting, Mable G.	Barber, Robert E., Jr.
Bangs, Geraldine	Ahern, Debora A.
Duggan, Joseph F.	
Robinson, Walter K.	
Dexter, Dean	
Townsend, John B.	

## TRANSPORTATION

Tavitian, K. Michael, Chm.	*York, Elmer H.
Gordon, Irvin H., V. Chm.	Soucy, George A.
Wheeler, Kenneth T., Sr.	Crotty, Edward J.
Bastraw, Richard W.	Blouin, Paul E.
Danderson, Robert A.	Wallace, Roger E.
Katsakiores, George N.	Mercier, Moise H.
Sloan, Stephen	Roy, Henry N.
Stewart, Roger, Clerk	
Stork, Roger R.	
Whiting, Robert L.	

## WAYS AND MEANS

Scamman, W. Douglas, Jr., Chm.	*Hickey, Delina R.
Peters, Marjorie Y., V. Chm.	Ahern, Richard F.
Ware, Eliot B., Jr.	Donnelly, Helene R.
Heath, Roger C., Clerk	Sullivan, James W.
Sallada, Roland A.	Densmore, Edward D.
Ahrens, Frederick G.	Lawrence, Susan J.
Zeckhausen, Barbara	Parrish, Bruce E.
Flint, Gordon B.	Belanger, Ronald J.
Hardy, Earle D.	Durant, Robert A.
Arnold, Barbara E.	
Grip, Robert H.	
Jones, Robert L.	
Saunders, Howard N.	
Stevens, Thomas S.	

REPUBLICAN FLOOR LEADERS

Speaker	John B. Tucker
Speaker Pro Tem	Marshall French
Majority Leader	Bruce C. Rounds
Majority Whip	Sara M. Townsend
Assistant Majority Leader	Betty Tamposi
Assistant Majority Leader	Harold W. Burns
Assistant Majority Whip	William A. Russell
Assistant Majority Whip	Phoebe A. Chardon

Republican Section Floor Leaders

Section 1	Ednapearl F. Parr
Section 2	George S. Lamprey
	Betty Jo Taffe
Section 3	Audrey A. Carragher
	Kenneth J. MacDonald
	Elsie Vartanian
Section 4	James V. Bibbo, Jr.
	Lorine M. Walter
Section 5	Beverly A. Gage

DEMOCRATIC FLOOR LEADERS

Minority Leader	Chris Spirou
Deputy Minority Leader	Marv P. Chambers
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The abbreviations listed below are used in the Numerical Index:

adop	adopted
am	amended, amendment
Approp	referred to Appropriations committee
com	committee
conc	concurred, concurrence
conf	conference committee
enr	enrolled
ext	extension of time for hearing (rule 43)
intro	introduced, introduction
IP	indefinitely postponed
K	killed (inexpedient to legislate)
LT	laid on table
nonconc	nonconcurred
opin	opinion
psd	passed
RC	roll call
rcmt	recommitted
recon	reconsideration, reconsidered
rej	rejected
rep	report
req	requests
S	Senate
S Ct	New Hampshire Supreme Court
SO	special order
study	referred to interim study committee
wthd	withdrawn

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22, psd 42, 54, S conc 177, enr 412 (Chapter 45)
- HB 63-FN, relative to a transfer tax on mobile homes. (Kozacka of Rock. 13; Pannell of Mer. 6 - To Ways and Means)  
22, removed from consent calendar 510, am 602-606, recon rej 606, psd 608, conc S am 674, enr 774 (Chapter 230)
- HB 64, relative to the training and certification of police officers. (Benton of Rock. 5 - To Public Protection and Veterans' Affairs)  
22, psd 34, 40, S conc 129, enr 182 (Chapter 14)
- HB 65, clarifying and amending the language of RSA 36:24-a. (Pannell of Mer. 6 - To Municipal and County Government)  
22, am 34, psd 40, S nonconc 91
- HB 66, relative to the ownership of land divided by a street. (Pannell of Mer. 6 - To Municipal and County Government)  
22, K 34
- HB 67-FN, exempting real and personal property of granges from taxation. (Parr of Rock. 17 - To Municipal and County Government)  
New title: exempting real and personal property of Granges from taxation.  
22, am 58, psd 65, S conc 90, enr 113 (Chapter 8)
- HB 68, eliminating the protection for the common feral pigeons and increasing the protection of seals. (Heath of Car. 4 - To Fish and Game)  
22, am 99, psd 113, S nonconc 688
- HB 69, relative to the membership of the bulk power supply facility site evaluation committee. (Copenhaver of Graf. 12 - To Environment and Agriculture)  
New title: relative to bulk power siting procedures.  
22, ext 94, am 148-150, psd 152, S conc 468, enr 638 (Chapter 71)
- HB 70, adjusting the butterfat content of milk to conform to requirements in adjacent states. (Copenhaver of Graf. 12 - To Environment and Agriculture)  
22, K 46
- HB 71, relative to the treatment of horses. (Dexter of Bel. 8 - To Environment and Agriculture)  
22, am 99, psd 113, nonconc S am, conf 412, 509, rep adop 675, enr 773 (Chapter 231)
- HB 72-FN, to allow counties to set up trust funds. (Nichols of Mer. 2; Sen. White - To Municipal and County Government)  
22, am 58-59, psd 65, conc S am 760, enr 828 (Chapter 232)
- HB 73-FN, increasing the number of superior court associate justices. (Lane of Ches. 15; Sen. Carswell - To Judiciary)  
New title: relative to superior court associate justices, nonjudicial employee benefits, district court justice retirement and inspection of court facilities.  
Second new title: relative to superior court associate justices, nonjudicial employee benefits, district court justice retirement, inspection of court facilities and judicial budgets.  
Third new title: relative to superior court associated justices, nonjudicial employee benefits, district court justice retirement, inspection of court facilities and judicial budgets, and making certain transfers.  
Fourth new title: relative to superior court associate justices, nonjudicial employee benefits, district court justice retirement, inspection of court facilities, judicial budgets, and certain positions in a department of corrections.  
22, psd 86, 91, conc S am 756, enr am 761, enr 774 (Chapter 381)

- HB 74-FN, eliminating the \$50 limit on legislative mileage. (Lemire of Coos 8; Langley of Coos 3 - To Legislative Administration)  
22, ext 70, psd 138, 143, S conc 411, enr 412 (Chapter 38)
- HB 75, permitting persons to execute terminal care documents. (Daniell of Mer. 12 et al - To Judiciary)  
22, am (RC) 86-89, psd 91, conc S am 412, enr 638, veto SO 835, veto overridden (RC) 838-839 (S sustained)
- HB 76-FN, establishing an account for the proceeds from the sale of fish food at fish hatchery vending machines. (Dionne of Str. 5 - To Fish and Game)  
22, psd 99-100, 113, S conc 404, enr 412 (Chapter 39)
- HB 77, to require a hearing prior to issuance of certain orders relative to libels for divorce, annulment or a decree of nullity. (Gage of Rock. 13 et al - To Judiciary)  
22, study 80, 860
- HB 78-FN, increasing the limits on summary administration of small estates. (Sloan of Rock. 6 et al - To Judiciary)  
New title: increasing the limits on summary administration of small estates.  
23, am 80-81, psd 91, S study 688, 860
- HB 79, relative to the duties of administrators and executors. (Sloan of Rock. 6 et al - To Judiciary)  
23, K 57
- HB 80, relative to automobile warranties. (Palumbo of Rock. 10; Miller of Ches. 1 - To Commerce and Consumer Affairs)  
23, am 97-98, psd 113, conc S am 412, enr 638 (Chapter 58)
- HB 81-FN, requiring review of the basis for apportionment of certain costs in cooperative school districts. (Guay of Coos 7 - To Education)  
23, K 79
- HB 82, to prohibit the wearing of headphones while operating a vehicle. (Wallace of Hil. 25 - To Transportation)  
23, psd 62, 65, S nonconc 178
- HB 83-FN, crediting any damage monies obtained from damage to fish life, other aquatic life, wildlife or their habitat, to the fish and game fund. (Smith of Mer. 16 - To Fish and Game)  
23, psd 41, 54, S conc 157, enr 224 (Chapter 23)
- HB 84, relative to the licensing for hunting and trapping wild birds and wild game. (Blouin of Str. 2; Dionne of Str. 5 - To Fish and Game)  
23, psd 42, 54, S conc 157, enr 412 (Chapter 40)
- HB 85, requiring certain hunters to wear hunter orange. (Pantelakos of Rock. 24 et al - To Fish and Game)  
New title: recommending to hunters that they wear hunter orange.  
23, rcmt 62, ext 152, psd (RC) 407-408, 409, conc S am 658, enr 671 (Chapter 125)
- HB 86-FN, concerning taxation by the town of Derry of property within the East Derry fire precinct. (Quimby of Rock. 7 et al - Municipal and County Government)  
23, psd 74, 77, S conc 177, enr 412 (Chapter 44)
- HB 87, raising the fee for fur-trapping and fur-buying. (Dionne of Str. 5 - To Fish and Game)  
23, K 57
- HB 88, relative to the inspection of amusement rides. (Murphy of Car. 2 et al - To Public Protection and Veterans' Affairs)  
23, ext 70, am 150-151, psd 152, conc S am 728, enr 781 (Chapter 233)
- HB 89-FN, relative to resident taxes and the wildlife management collection program. (King of Rock. 4 - To Fish and Game)  
23, psd 137, 143, S conc 687, enr 828 (Chapter 234)

- HB 90, relative to improvements to the central New Hampshire turnpike and making an appropriation therefor. (Watson of Hil. 13 et al - To Public Works)  
23, Approp 75-76, removed from consent calendar 158, psd (RC) 173-174, 178, S conc 636, enr am 637-638, enr 659 (Chapter 76)
- HB 91, relative to the reconstruction of Camp Sargent road and making an appropriation therefor. (Watson of Hil. 13 et al - To Public Works)  
23, ext 70, 132, am & Approp 213, am 610-611, psd 624, conc S am 763, enr 828 (Chapter 235)
- HB 92-FN, increasing the amount of annual wages paid to an individual for which contributions must be made for unemployment compensation.  
(Skinner of Rock. 21 - To Labor, Human Resources and Rehabilitation)  
23, psd 116, 130, S conc 636, enr 638 (Chapter 72)
- HB 93, concerning restitution by parents or legal guardians of certain children found to have committed burglary, robbery or theft.  
(Sochalski of Rock. 23; Boucher of Rock. 23 - To Judiciary)  
23, study 116, 860
- HB 94-FN, providing a fee for each piece of fur sealed by the department of fish and game. (Pantelakos of Rock. 23 - To Fish and Game)  
23, K 57
- HB 95, authorizing the executive director, department of fish and game to set the seasons, bag limits, methods of taking and reporting of certain wildlife. (Heath of Car. 4 - To Fish and Game)  
23, K 100
- HB 96-FN, relative to special plates for former prisoners of war.  
(Oleson of Coos 7 et al - To Transportation)  
23-24, Approp 62, am 134, psd 143, conc S am 725, enr 828 (Chapter 236)
- HB 97, providing for the protection of elected public official's employment. (Peters of Str. 7 - To Labor, Human Resources and Rehabilitation)  
24, study 126, 860
- HB 98, to provide for the referral of cases of serious bodily injury to the attorney general or county attorney. (Townsend of Sul. 1; Katsiaficas of Hil. 28 - To Judiciary)  
24, am 81, psd 91, conc S am 412, enr 638 (Chapter 59)
- HB 99, extending immunity from liability for persons reporting incidents of adult abuse. (Townsend of Sul. 1; Katsiaficas of Hil. 28 - To Judiciary)  
24, am 81-82, psd 91, S conc 157, enr am 404, enr 412 (Chapter 41)
- HB 100-FN, relative to sunset review of the legislative budget assistant - budget and support. (LaMott of Graf. 5 - To Appropriations)  
10, psd 158, 178, S conc 687, enr 773 (Chapter 203)
- HB 101-FN, relative to sunset review of the legislative budget assistant - special services, post audit. (LaMott of Graf. 5 - To Appropriations)  
10, psd 158, 178, S conc 687, enr 773 (Chapter 204)
- HB 102-FN, relative to sunset review of administration and control - budget and control. (LaMott of Graf. 5 - To Appropriations)  
10, psd 158, 178, S conc 760, enr 829 (Chapter 37)
- HB 103-FN, relative to sunset review of administration and control - division of special disbursements. (LaMott of Graf. 5 - To Appropriations)  
10, psd 158, 178, S conc 687, enr 773 (Chapter 207)
- HB 104-FN, relative to sunset review of administration and control - administration and control programs. (LaMott of Graf. 5 - To Appropriations)  
10, removed from consent calendar 158, psd 174-175, 178, S conc 760, enr 829 (Chapter 238)

- HB 105-FN, relative to sunset review of state treasury - administration.  
(LaMott of Graf. 5 - To Appropriations)  
10, am 158-160, psd 178, S conc 687, enr am 812-813, enr 830 (Chapter 419)
- HB 106-FN, relative to sunset review of state treasury - trust funds.  
(LaMott of Graf. 5 - To Appropriations)  
10, psd 160, 178, S conc 687, enr 773 (Chapter 209)
- HB 107-FN, relative to sunset review of state treasury - special general fund distribution. (LaMott of Graf. 5 - To Appropriations)  
10, am 160-161, psd 178, S conc 687, enr 773 (Chapter 209)
- HB 108-FN, relative to sunset review of the safety department - state overhead charges. (LaMott of Graf. 5 - To Appropriations)  
10, psd 161, 178, S conc 687, enr 773 (Chapter 210)
- HB 109-FN, relative to sunset review of the safety department - department debt service. (LaMott of Graf. 5 - To Appropriations)  
10, K 161
- HB 110-FN, relative to sunset review of the department of public works and highways - debt service. (LaMott of Graf. 5 - To Appropriations)  
10, K 161
- HB 111-FN, relative to sunset review of the higher education fund - U.N.H. debt service. (LaMott of Graf. 5 - To Appropriations)  
10, K 161
- HB 112-FN, relative to sunset review of the insurance department - administration. (Burns of Coos 5 - To Commerce and Consumer Affairs)  
10, am 70-72, psd 77, S conc 129, enr 182 (Chapter 15)
- HB 113-FN, relative to sunset review of the insurance department - examination division. (Burns of Coos 5 - To Commerce and Consumer Affairs)  
10, psd 72, 77, S conc 626, enr 628 (Chapter 60)
- HB 114-FN, relative to sunset review of the N.H. higher education and health facilities authority. (Burns of Coos 5 - To Commerce and Consumer Affairs)  
10, removed from consent calendar 97, am & Approp 111, am 196, psd 214, S conc 627, enr 660 (Chapter 77)
- HB 115-FN, relative to sunset review of the postsecondary education commission. (Taffe of Graf. 6 - To Education)  
10, psd 72, 77, conc S am 728, enr 782 (Chapter 239)
- HB 116-FN, relative to sunset review of the postsecondary education commission - N.H. incentive program. (Taffe of Graf. 6 - To Education)  
10, psd 72, 77, conc S am 728, enr 827 (Chapter 240)
- HB 117-FN, relative to sunset review of the state board of education - postsecondary education administration and support. (Taffe of Graf. 6 - To Education)  
10, LT 86, IP 761
- HB 118-FN, relative to sunset review of the higher education fund - U.N.H. - Durham. (Taffe of Graf. 6 - To Education)  
10, psd 72, 77, S conc 687, enr 773 (Chapter 211)
- HB 119-FN, relative to sunset review of the higher education fund - Keene state college. (Taffe of Graf. 6 - To Education)  
10, psd 72-73, 77, S conc 411, enr 506 (Chapter 51)
- HB 120-FN, relative to sunset review of the higher education fund - Plymouth State College. (Taffe of Graf. 6 - To Education)  
10, psd 73, 77, S conc 411, enr 506 (Chapter 52)
- HB 121-FN, relative to sunset review of the higher education fund - Merrimack Valley Branch. (Taffe of Graf. 6 - To Education)  
10, am 148, psd 152, S conc 687, enr 773 (Chapter 212)
- HB 122-FN, relative to sunset review of the higher education fund - U.N.H. continuing education. (Taffe of Graf. 6 - To Education)  
10, am 79, psd 91, S conc 411, enr am 627, enr 685 (Chapter 126)



- HB 123-FN, relative to sunset review of the higher education fund - industrial and institutional development. (Taffe of Graf. 6 - To Education)  
10, am 79-80, psd 91, S conc 411, enr 619 (Chapter 56)
- HB 124-FN, relative to sunset review of the higher education fund - agriculture experiment station. (Taffe of Graf. 6 - To Education)  
10, psd 73, 77, S conc 411, enr 506 (Chapter 53)
- HB 125-FN, relative to sunset review of the higher education fund - marine research and development. (Taffe of Graf. 6 - To Education)  
10, psd 73, 77, S conc 411, enr 506 (Chapter 54)
- HB 126-FN, relative to sunset review of the higher education fund - U.N.H. cooperative extension service. (Taffe of Graf. 6 - To Education)  
10-11, psd 73, 77, S conc 411, enr 506 (Chapter 55)
- HB 127-FN, relative to sunset review of the higher education fund - U.N.H. system administration. (Taffe of Graf. 6 - To Education)  
11, am 169-172, psd 178, nonconc S am, conf 729, 767, rep adop 793, enr am 813, enr 830 (Chapter 420)
- HB 128-FN, relative to sunset review of Keene state - board of education. (Taffe of Graf. 6 - To Education)  
11, removed from consent calendar 97, rcmt 111, psd 161, 178, S conc 411, enr 506 (Chapter 57)
- HB 129-FN, relative to sunset review of veterinary/medical/optometric education program. (Taffe of Graf. 6 - To Education)  
11, psd 73, 77, S conc 157, enr 224 (Chapter 24)
- HB 130-FN, relative to sunset review of the department of agriculture - office of commissioner. (Campbell of Rock. 20 - To Environment and Agriculture)  
11, psd 41, 54, S conc 157, enr 224 (Chapter 25)
- HB 131-FN, relative to sunset review of the department of agriculture - meat inspection. (Campbell of Rock. 20 - To Environment and Agriculture)  
11, psd 41, 54, S conc 645, enr 660 (Chapter 78)
- HB 132-FN, relative to sunset review of the department of agriculture - bureau of weights and measures. (Campbell of Rock. 20 - To Environment and Agriculture)  
11, psd 41, 54, S conc 157, enr 224 (Chapter 26)
- HB 133-FN, relative to sunset review of the department of agriculture - bureau of markets. (Campbell of Rock. 20 - To Environment and Agriculture)  
11, psd 41, 54, S conc 157, enr 224 (Chapter 27)
- HB 134-FN, relative to sunset review of the milk sanitation board. (Campbell of Rock. 20 - To Environment and Agriculture)  
11, psd 41, 54, S conc 157, enr 224 (Chapter 28)
- HB 135-FN, relative to sunset review of administration and control - division of graphic services. (Watson of Hil. 13 - To Executive Departments and Administration)  
11, am 73, psd 77, S conc 687, enr 828 (Chapter 241)
- HB 136-FN, relative to sunset review of the fish and game department - fish resources. (Cate of Mer. 13 - To Fish and Game)  
11, psd 26, 30, S conc 70, enr 79 (Chapter 2)
- HB 137-FN, relative to sunset review of the department of health and welfare - division of welfare. (Craig of Hil. 3 - To Health and Welfare)  
New title: relative to sunset review of the department of health and welfare - division of welfare, clarifying the rulemaking authority of the division of welfare, requiring cost control reports and creating a joint committee on health care costs.  
11, am 186-188, psd 214, conc S am 728, enr 782-783, appointments 860 (Chapter 242)

- HB 138-FN, relative to sunset review of the board of probation. (Lane of Ches. 15 - To Judiciary)  
11, K 188
  
- HB 139-FN, relative to sunset review of the board of probation - crime commission grant. (Lane of Ches. 15 - To Judiciary)  
11, K 57
  
- HB 140-FN, relative to sunset review of the board of probation - domestic relations and collections. (Lane of Ches. 15 - To Judiciary)  
11, K 57
  
- HB 141-FN, relative to sunset review of the safety department - division of state police. (Lane of Ches. 15 - To Judiciary)  
11, com changed 12, psd 35, 40, S conc 91, enr 113 (Chapter 9)
  
- HB 142-FN, relative to sunset review of the parole board. (Lane of Ches. 15 - To Judiciary)  
New title: relative to sunset review of the parole board and creating a department of probation and parole.  
11, am & Approp (RC) 204-212, psd 611, 624, S nonconc 727
  
- HB 143-FN, relative to sunset review of the parole board - crime commission grant. (Lane of Ches. 15 - To Judiciary)  
11, K 57
  
- HB 144-FN, relative to sunset review of the labor department - administration and support. (Nichols of Mer. 2 - To Labor, Human Resources and Rehabilitation)  
11, am 100, psd 113, S conc 674, enr 773 (Chapter 213)
  
- HB 145-FN, relative to sunset review of the labor department - inspection division. (Nichols of Mer. 2 - To Labor, Human Resources and Rehabilitation)  
11, am & Approp 188-190, am 611, psd 624, nonconc S am, conf 757, 766, 774, rep adop 783, enr am 813, enr 830 (Chapter 421)
  
- HB 146-FN, relative to sunset review of the labor department - labor statistics. (Nichols of Mer. 2 - To Labor, Human Resources and Rehabilitation)  
11, K 33
  
- HB 147-FN, relative to sunset review of the labor department - workmen's compensation. (Nichols of Mer. 2 - To Labor, Human Resources and Rehabilitation)  
11, psd 116, 130, S conc 636, enr 638 (Chapter 61)
  
- HB 148-FN, relative to sunset review of the labor department - workmen's compensation commission. (Nichols of Mer. 2 - To Labor, Human Resources and Rehabilitation)  
New title: placing the workmen's compensation review commission for state employees under the jurisdiction of the comptroller.  
11, am & Approp 116-118, psd 161, 178, S conc 688, enr 828 (Chapter 380)
  
- HB 149-FN, relative to sunset review of the safety department - division of safety services. (Zimmerman of Mer. 11 - To Public Protection and Veterans' Affairs)  
11, psd 75, 77, S conc 157, enr 224 (Chapter 29)
  
- HB 150-FN, relative to sunset review of the department of public works and highways - construction and reconstruction. (Walter of Graf. 13 - To Public Works)  
11, psd 34, 40, S conc 91, enr 113 (Chapter 10)
  
- HB 151-FN, relative to sunset review of the department of public works and highways - maintenance. (Walter of Graf. 13 - To Public Works)  
11, psd 34, 40, S conc 113, enr 182 (Chapter 16)
  
- HB 152-FN, relative to sunset review of the department of public works and highways - community assistance state funds. (Walter of Graf. 13 - To Public Works)  
11, psd 34, 40, S conc 113, enr 182 (Chapter 17)

- HB 153-FN, relative to sunset review of the racing commission - thoroughbred racing. (Russell of Hil. 15 - To Regulated Revenues) 11, K 26
- HB 154-FN, relative to sunset review of the racing commission - harness racing. (Russell of Hil. 15 - To Regulated Revenues) 11, K 26
- HB 155-FN, relative to sunset review of the racing commission - racing laboratory. (Russell of Hil. 15 - To Regulated Revenues) 11, K 26
- HB 156-FN, relative to sunset review of the department of resources and economic development - administration and support. (Dickinson of Car. 2 - To Resources, Recreation and Development) 11, am & Approp 59-61, rcmt 196, am 611-612, psd 624, S conc 688, enr am 813-814, enr 830 (Chapter 422)
- HB 157-FN, relative to sunset review of DRED - recreation services. (Dickinson of Car. 2 - To Resources, Recreation and Development) 11, psd 151-152, 152, S conc 411, enr 506 (Chapter 46)
- HB 158-FN, relative to sunset review of centralized data processing - administration and support. (Randall of Belknap Dist. 3 - To Science and Technology) 11, am 213, psd 214, nonconc S am, conf 765, 770, 775, rep adop 783, enr 829 (Chapter 243)
- HB 159-FN, relative to sunset review of centralized data processing - data processing operation. (Randall of Bel. 3 - To Science and Technology) 11, am 191, psd 214, S conc 688, enr 828 (Chapter 244)
- HB 160-FN, relative to sunset review of centralized data processing - planning and support. (Randall of Bel. 3 - To Science and Technology) 11, K 191
- HB 161-FN, relative to sunset review of centralized data processing - systems development. (Randall of Bel. 3 - To Science and Technology) 11, am 191, psd 214, S conc 688, enr 828 (Chapter 245)
- HB 162-FN, relative to sunset review of centralized data processing - agency revenues. (Randall of Bel. 3 - To Science and Technology) 11, am 191-192, psd 214, S conc 688, enr 828 (Chapter 246)
- HB 163-FN, relative to sunset review of the board of taxation. (Peters of Hil. 11 - To Ways and Means) 11, K 42
- HB 164-FN, allocating the property taxes paid by small scale power facilities. (Cate of Mer. 13 et al - To Municipal and County Government) 31, K 100
- HB 165-FN, extending workmen's compensation coverage to certain household employees. (Nichols of Mer. 2; Sen. Freese - To Labor, Human Resources and Rehabilitation) 31, am 57-58, psd 65, S conc 129, enr 182 (Chapter 18)
- HB 166-FN, relative to taking wild black bear. (Theriault of Coos 9 et al - To Fish and Game) 31, am 145, psd 152, S conc 411, enr 619 (Chapter 49)
- HB 167, relative to vacancies in the offices of town clerk-tax collector and tax collector. (King of Rock. 4 - To Municipal and County Government) 31, am 74, psd 77, conc S am 178, enr 224 (Chapter 30)
- HB 168-FN, relative to wild turkey permit revenues. (Dionne of Str. 5 - To Fish and Game)  
New title: relative to wild turkey permit revenues and revenues for trapping education.  
31, removed from consent calendar 133, am & psd 142, S conc 411, enr 619 (Chapter 48)

- HB 1<sup>c</sup>, relative to emergency vehicles. (Dickinson of Car. 2 - To Transportation)  
31, K 75
- HB 170, relative to the use of certain type motorboats by disabled persons on restricted bodies of water in state. (Powers of Car. 5; Dionne of Str. 5 - To Resources, Recreation and Development)  
31, K 75
- HB 171-FN, relative to current use assessment. (Christy of Graf. 11 - To Environment and Agriculture)  
31, ext 94, 145, K 420
- HB 172, to legalize the 1982 annual town meeting of the town of New Durham. (Joos of Str. 1; Banks of Str. 1 - To Municipal and County Government)  
31, K 100
- HB 173, providing for a mandatory winter stay of dispossession for certain tenants who have defaulted on their rent. (Quimby of Rock. 7 - To Commerce, Housing and Consumer Affairs)  
New title: providing for a mandatory winter stay of dispossession for certain residential tenants who have defaulted on their rent.  
31, am (RC) 101-102, psd 113, S study 673, 860
- HB 174, permitting the use of live bait when ice fishing on Lake Sunapee. (D'Amante of Sul. 7; Brodeur of Sul. 7 - To Fish and Game)  
31, am 133, psd 142, S nonconc 411
- HB 175, legalizing the town meeting of the town of Amherst held on January 5, 1983. (Wight of Hil. 9 - To Municipal and County Government)  
New title: legalizing the town meeting of the town of Amherst held on January 5, 1983 and providing for the raising of \$130,000 through taxes.  
31, am 74-75, psd 77, S conc 158, enr 224 (Chapter 31)
- HB 176, to allow bowling centers to serve liquor and beverages to persons in certain spectator areas. (Blaisdell of Rock. 13 - To Regulated Revenues)  
31, K (RC) 126-127
- HB 177, to amend the charter of St. Paul's School. (Stark of Mer. 14 - To Statutory Revision)  
31, psd 62, 65, S conc 411, enr am 412, enr 638 (Chapter 62)
- HB 178-FN, relative to utilities' eminent domain procedures. (Burns of Coos 5 et al - To Commerce, Housing and Consumer Affairs)  
New title: relative to utilities' eminent domain procedures and the eminent domain procedure act.  
31, am 98-99, psd 113, nonconc S am, conf 729, 766, rep adop 779-780, enr 829 (Chapter 247)
- HB 179, authorizing counties to establish county personnel commissions. (MacDonald of Car. 6 et al - To Municipal and County Governments)  
31, removed from consent calendar 97, am 110-111, psd 113, S study 177, 860
- HB 180-FN, reinstating the 9 percent pay raise for state employees for the second year of the biennium and making an appropriation therefor. (Spirou of Hil. 31 et al - To Appropriations)  
32, psd (RC) 134-136, 143 (K)
- HB 181, to require a 2/3 vote in order to change a municipality's form of government. (Katsakiores of Rock. 7 - To Municipal and County Government)  
32, K 75
- HB 182, designating certain members of a municipal budget committee as nonvoting members. (Katsakiores of Rock. 7 - To Municipal and County Government)  
32, K 75

- "B 183, providing for mandatory removal from office for violation of the provisions of RSA 32:10. (Katsakiores of Rock. 7 - To Municipal and County Government)  
32, K 75
- HB 184, legalizing the 1982 annual town meeting of the town of Alton. (Sanders of Bel. 6; Locke of Bel. 6 - To Municipal and County Government)  
32, psd 75, 77, S conc 158, enr 224 (Chapter 32)
- HB 185, changing references in the law relating to solid waste and hazardous waste from the bureau of solid waste management to the division of public health services. (Copenhaver of Graf. 12; Wight of Hil. 9 - To Executive Departments and Administration)  
New title: changing references in the laws relating to solid waste and hazardous waste from the bureau of solid waste management to the office of waste management.  
32, ext 129, am 162-163, psd 178, S conc 673, enr 774 (Chapter 227)
- HB 186, to limit the categories of persons on whose behalf the division of welfare may seek appointment of guardian or conservator. (Townsend of Sul. 1; Katsiaticas of Hil. 28 - To Judiciary)  
New title: to limit the categories of persons on whose behalf the division of welfare may seek appointment of guardian.  
32, am 82, psd 91, S nonconc 673
- HB 187, to create a presumption in favor of allowing attorneys' fees in civil and equitable actions. (Blake of Rock. 6 - To Judiciary)  
40, K 82
- HB 188-FN, to increase the personal needs allowance for recipients of medical assistance residing in nursing homes. (Blake of Rock. 6 et al - To Health and Welfare)  
New title: increasing the personal needs allowance for recipients of medical assistance residing in nursing homes and making certain appropriations.  
40, am (RC) & Approp 125-126, am 736-737, psd 758 (K)
- HB 189-FN, relative to district court financing. (Quimby of Rock. 7 et al - To Judiciary)  
40, ext 132, 214, K 427
- HB 190-FN, to provide for payment of ambulance service in unincorporated areas. (Guay of Coos 6; Oleson of Coos 7 - To Municipal and County Government)  
40, removed from consent calendar 97, rcmt 110, psd 226, 403, S conc 661, enr 758 (Chapter 161)
- HB 191-FN, indemnifying school districts for certain litigation expenses incurred in connection with the removal of carcinogenic asbestos from the public schools. (Sullivan of Hil. 30 et al - To Health and Welfare)  
40, K 100
- HB 192-FN, amending the elderly residential real estate tax exemption and making other minor changes in RSA 72. (Parr of Rock. 17 et al - To Municipal and County Government)  
New title: establishing a study committee on property tax exemptions for the elderly, amending the residential real estate tax exemption for the elderly and making other minor changes in RSA 72.  
40, am 146, psd 152, S conc 468, enr am 637, enr 685, appointments 860 (Chapter 155)
- HB 193, establishing the week of October 18 through 25 as earth care week. (Waldron of Rock. 25 et al - To Statutory Revision)  
New title: establishing the second week of October as earth care week.  
40, am 101, psd 113, S conc 411, enr 619, veto overridden (RC) 669-670 (S sustained)



- HB 194, requiring dentists to make a record of all dental work performed and to maintain such record for ten years. (Clark of Ches. 3 - To Executive Departments and Administration)  
New title: requiring dentists to make a record of all dental work performed and to maintain such record for 7 years.  
40, am 163-164, psd 178, S conc 468, enr 638 (Chapter 73)
- HB 195, relative to ranch bred fox and trapping education. (Dickinson of Car. 2 - To Fish and Game)  
40, K 133
- HB 196, relative to damage to domestic animals. (Dickinson of Car. 2 - To Fish and Game)  
40, psd 137, 143, S nonconc 411
- HB 197, establishing a committee to propose a recodification of the agriculture, horticulture and animal husbandry laws in title XL and other RSA titles and making an appropriation therefor. (Campbell of Rock. 20; Greene of Rock. 18 - To Environment and Agriculture)  
New title: establishing a committee to propose a recodification of the agriculture, horticulture and animal husbandry laws in title XL and other RSA titles.  
40, am 133, psd 142, S conc 411, enr 638, appointments 860 (Chapter 63)
- HB 198-FN, relative to the proceeds from the sale of state property. (Cate of Mer. 13 et al - To Public Works)  
55, am & Approp 108, am 612, psd 624, S nonconc 760
- HB 199, relative to the office of ombudsman. (Townsend of Sul. 1 et al - To Health and Welfare)  
55, psd 100, 113, S conc 177, enr 224 (Chapter 33)
- HB 200-FN, creating a state funded unified court system and making an appropriation therefor. (Sytek of Rock. 20 et al - To Judiciary)  
69, rule 58 suspended 413, am & Approp (RC) 450-455, am (RC) 630-634, psd 635, S conc 760, enr am 771-772, enr 774 (Chapter 383)
- HB 201, relative to the training of dogs. (Theriahult of Coos 8; Dionne of Str. 5 - To Fish and Game)  
55, ext 132, am 204, psd 214, S study 688, 860
- HB 202, establishing the ward lines for the city of Manchester and amending the Manchester city charter. (Arnold of Hil. 29 et al - To Statutory Revision)  
55, am 128, psd 130, nonconc S am, conf 770-771, 774, rep adop 780, enr 829 (Chapter 248)
- HB 203-FN, authorizing the town of Epping, with voter approval, to issue bonds to meet certain legal expenses and amending the establishment of authorized reserve funds. (Case of Rock. 6 et al - To Municipal and County Government)  
55, am 100, psd 113, S conc 411, enr 412 (Chapter 42)
- HB 204-FN, relative to licensing of health facilities. (Townsend of Sul.; Katsiaficas of Hil. 28 - To Health and Welfare)  
55, ext 129, 178, K 422
- HB 205, requiring a lending institution to notify the mortgagor when selling the mortgage. (McIntire of Car. 4 - To Commerce, Housing and Consumer Affairs)  
55, K 224
- HB 206, relative to the restoration of the covered bridge between Cornish, New Hampshire and Windsor, Vermont and making an appropriation therefor. (Blair of Graf. 8; Townsend of Sul. 1 - To Public Works)  
55, am & Approp 108-109, am 612, psd 624, nonconc S am, conf 763-764, 769, 769-770, com unable to agree 851, IP 857

- HB 207, making an appropriation to enable the New Hampshire hospital to purchase electrical power. (LaMott of Graf. 5; Bibbo of Mer. 3 - To Public Works)  
55, Approp 90, am 676, psd 684, S conc 760, enr 782 (Chapter 249)
- HB 208, relative to generic drug substitution. (MacDonald of Rock. 26 et al - To Health and Welfare)  
55, am 133, psd 142, S conc 404, enr 412 (Chapter 43)
- HB 209, relative to repairs to the state house and railroad line improvements. (LaMott of Graf. 5 et al - To Public Works)  
New title: relative to repairs to the state house and railroad line improvements and making an appropriation to the water resources board.  
55, am rej (RC) & Approp 109-110, removed from consent calendar 676, am 683-684, psd 684, conc S am 764, enr 828 (Chapter 250)
- HB 210-FN, ensuring retirement benefits for police officers who become director or field representatives for the police standards and training council. (Eaton of Ches. 4 - To Executive Departments and Administration)  
55, removed from consent calendar 158, K 177
- HB 211, requiring school buses to remain stopped at railroad crossings until an approaching train has passed and signals have stopped flashing. (Eaton of Ches. Dist. 4 - To Transportation)  
55, psd 101, 113, S nonconc 178
- HB 212-FN, relative to signs for handicapped parking. (Lyons of Hil. 22 - To Transportation)  
55, psd 101, 113, conc S am 223, enr 619 (Chapter 50)
- HB 213-FN, eliminating the requirement that payments be made on a quarterly basis for community mental health programs. (McDonnell of Mer. 16 - To Health and Welfare)  
55, psd 116, 130, S conc 509, enr 638 (Chapter 74)
- HB 214, authorizing a feasibility study for connecting I-393 with the Spaulding turnpike and making an appropriation therefor. (Bibbo of Mer. 3; LaMott of Graf. 5 - To Public Works)  
55, Approp 90, psd 747, 759 (K)
- HB 215, relative to driving after suspension or revocation. (Perkins of Ches. 9 - To Transportation)  
55, psd 101, 113, S conc 673, enr 774 (Chapter 214)
- HB 216-FN, relative to appropriations for agriculture preservation and making an appropriation therefor. (Campbell of Rock. 20; Greene of Rock. 18 - To Environment and Agriculture)  
55, Approp 161, LT 747, IP 857
- HB 217-FN, relative to forgivable loans to students pursuing postsecondary programs leading to certification as teachers of mathematics or science and making an appropriation therefor. (Taffe of Graf. 6 et al - To Education)  
65, am & Approp 196-198, LT 747, IP 857
- HB 218, relative to high school students as non-voting members of school boards. (Hutchings of Graf. 8 et al - To Education)  
New title: relative to high school students as nonvoting members of school boards.  
65, am (RC) 443-445, psd 467, S conc 637, enr 660 (Chapter 111)
- HB 219-FN, establishing the ward lines for the city of Portsmouth and amending the Portsmouth city charter. (Krasker of Rock. 25 et al - To Statutory Revision)  
65, removed from consent calendar 115, am 128-129, psd 130, S conc 727, enr am 814, enr 830 (Chapter 424)
- HB 220, allowing an exemption from attachable property for jewelry up to \$500 in value. (Sytek of Rock. 20 - To Judiciary)  
65, am 164, psd 178, S conc 661, enr 758 (Chapter 162)

- HB 221-FN, relative to boat permit fees. (King of Rock. 4 - To Municipal and County Government)  
65, K 190
- HB 222-FN, to require the wearing of motorcycle helmets.  
(Copenhaver of Graf. 12 et al - To Transportation)  
65-66, K (RC) 140-142
- HB 223-FN, relative to communicable disease laboratory support services and making an appropriation therefor. (Copenhaver of Graf. 12 et al - To Health and Welfare)  
66, Approp 172, am 737, psd 758 (K)
- HB 224-FN, amending the distribution of the state meals and room tax. (Dickinson of Car. 2 - To Ways and Means)  
66, K 615
- HB 225-FN, relative to apple marketing. (Schmidtchen of Rock. 23 - To Environment and Agriculture)  
66, am 161-162, psd 178, S conc 645, enr am 816, enr 830  
(Chapter 425)
- HB 226, prohibiting the release of any animal from any humane retaining facility for experimentation or vivisection purposes. (Trombly of Mer. 4 - To Environment and Agriculture)  
New title: prohibiting the release of any animal from any animal shelter facility or animal care center for experimentation or vivisection purposes.  
66, psd 145, 152, conc S am 674, enr 773 (Chapter 215)
- HB 227, prohibiting the sale of certain single cans or single bottles of beer by off-sale permittees. (Durant of Hil. 26 - To Regulated Revenues)  
66, K 134
- HB 228-FN, relative to the sweepstakes fund. (Burdick of Rock. 7 - To Appropriations)  
66, removed from consent calendar 610, rcmt 623, K 747
- HB 229-FN, relative to hunting and fishing guides and license fees pertaining thereto. (Heath of Car. 4 - To Fish and Game)  
66, psd 172, 178, S conc 637, enr am 771, enr 783 (Chapter 251)
- HB 230-FN, making participation in the wildlife management collection program mandatory. (Heath of Car. 4 - To Fish and Game)  
66, psd (RC) 137-138, 143, S nonconc 727
- HB 231-FN, appropriating money to the department of agriculture. (Schmidtchen of Rock. 23 - To Appropriations)  
66, K 136
- HB 232-FN, authorizing the transfer of boat registration fees previously collected to the dam maintenance fund. (Bardsley of Mer. 1; Sen. Freese of - To Resources, Recreation and Development)  
66, Approp 433, psd 628, 634, S conc 673, enr 758 (Chapter 163)
- HB 233-FN, relative to the licenses for bait dealers. (Cate of Mer. 13 - To Fish and Game)  
New title: relative to bait dealers and fishing derbies held by charitable organizations.  
66, am 185, psd 214, nonconc S am, conf 728, 766, rep adop 780, enr 829 (Chapter 252)
- HB 234-FN, providing an evaluation of state Route 101A corridor in the Nashua region and making an appropriation therefor. (Ware of Hil. 18 - To Public Works)  
66, study 151, 860
- HB 235-FN, relative to emergency medical and psychiatric treatment

- for patients of state institutions and eligibility for admission to and care at Glencliff home for the elderly and making an appropriation therefor. (LaMott of Graf. 5 et al - To Health and Welfare)  
66, com changed 77, am & Approp 165, am 737, psd 758 (K)
- HB 236, providing special registration plates for members of the national guard and judiciary. (Benton of Rock. 5 - To Transportation)  
New title: providing special registration plates for members of the national guard and judiciary, and for the secretary of state and state treasurer.  
66, am 172-173, psd 178, conc S am 662, enr am 766, enr 783 (Chapter 253)
- HB 237, relative to employment termination. (Murphy of Car. 2 - To Labor, Human Resources and Rehabilitation)  
66, psd 172, 178, S conc 688, enr 828, veto sustained (RC)  
844-846
- HB 238-FN, relative to the Nashua area aquifer delineation study and making an appropriation therefor. (Carragher of Hil. 22 et al - To Resources, Recreation and Development)  
66, Approp 134, am 737, psd 758 (K)
- HB 239-FN, amending the distribution of the timber yield tax to provide additional funding for lookout stations and other forest conservation purposes. (Sherburne of Rock. 2; Smith of Str. 4 - To Environment and Agriculture)  
New title: relative to aerial surveillance for the discovery and control of forest fires.  
66, rule 58 suspended 413, am & Approp 420, am 628, psd 634, conc S am 674, enr 774 (Chapter 216)
- HB 240-FN, to restore and rehabilitate the Tip Top house in Mount Washington state park and making an appropriation therefor. (LaMott of Graf. 5 et al - To Public Works)  
66, am & Approp 151, am 747-748, psd 759 (K)
- HB 241-FN, making an appropriation to the department of education for the state revenue match requirement of the federal school lunch and child nutrition program. (Nelson of Hil. 28 et al - To Education)  
66, Approp 183, K 612
- HB 242-FN, making a supplemental appropriation to the office of the attorney general to settle the following cases: Hudson v. Dubois, et al.; Montague v. Youth Development Center; Shepard v. Armstrong; Faucher, et al. v. Rothenberg, et al. (Scamman of Rock. 19 - To Appropriations)  
66, psd 136, 143, S conc 404, enr am 412, enr 638 (Chapter 64)
- HB 243-FN, authorizing the purchase of miscellaneous equipment and building repairs for the department of fish and game and making an appropriation therefor. (Oleson of Coos 7 - To Fish and Game)  
66, am & Approp 204, am 621, psd 624, S conc 760
- HB 244-FN, to provide additional funds for the purchase of alcohol breath testing equipment and supplies. (Hawkins of Bel. 5 - To Transportation)  
66, am & Approp 134, psd 621, 624, S conc 687, enr 774 (Chapter 217)
- HB 245-FN, amending the disposition of transfer tax funds. (Campbell of Rock. 20 - To Ways and Means)  
66, study 623, 860
- HB 246-FN, relative to the acquisition and rehabilitation of civil patrol aircraft and making an appropriation therefor. (LaMott of Graf. 5 - To Public Protection and Veterans' Affairs)  
66, Approp 226, K 612
- HB 247, creating a committee to study alternative sentencing. (Roberts of Mer. 5 - To Judiciary)  
67, K 427-428

- HB 248-FN, relative to taxing electricity. (Easton of Graf. 11 - To Ways and Means)  
67, removed from consent calendar 183, K 213-214
- HB 249, relative to the New Hampshire marine fisheries board.  
(Drake of Rock. 18 - To Executive Departments and Administration)  
67, K 421
- HB 250-FN, making an appropriation to the department of education, division of vocational technical education. (Boucher of Rock. 23 - To Education)  
67, Approp 183, am 737, psd 758 (K)
- HB 251-FN, relative to the state board of education and to salaries of assistant superintendents, teacher consultants and business administrators. (Boucher of Rock. 23 - To Education)  
New title: relative to the state board of education.  
67, am & Approp 183-184, psd 612, 624, S conc 637, enr 659 (Chapter 79)
- HB 252, providing for a right to a hearing before the commissioner of revenue administration relative to apportionment of public taxes. (Jacobson of Mer. 2 - To Municipal and County Government)  
New title: providing for a right to a hearing before the commissioner of revenue administration relative to the annual rate percent of taxation.  
67, am 146-147, psd 152, S conc 636, enr 660 (Chapter 80)
- HB 253, abolishing a 5-trap license for taking lobster. (Drake of Rock. 18; Moore of Rock. 14 - To Fish and Game)  
67, K 185
- HB 254-FN, relative to a resident commercial salt water fishing license. (Drake of Rock. 18 - To Fish and Game)  
67, am 185, psd 214, S conc 687, enr 828 (Chapter 254)
- HB 255-FN, relative to nonresident commercial salt water fishing license. (Drake of Rock. 18 - To Fish and Game)  
67, psd 164, 178, S conc 645, enr 774 (Chapter 81)
- HB 256-FN, relative to bail commissioners' fees. (Parr of Rock. 17 et al - To Judiciary)  
67, K 164
- HB 257, authorizing municipalities to appropriate money for any legal purpose. (Perry of Ches. 10; King of Rock. 4 - To Municipal and County Government)  
67, psd 150, 152, S conc 661, enr 758 (Chapter 187)
- HB 258-FN, encouraging the establishment of kindergartens in public schools and making an appropriation therefor. (Barber of Ches. 17 - To Education)  
67, K 184
- HB 259-FN, moving the town of Madbury from the Dover judicial district to the Durham judicial district for the purposes of district court jurisdiction. (Schreiber of Str. 4; Sen. Lessard - To Judiciary)  
67, psd 133, 143, S conc 645, enr 659 (Chapter 82)
- HB 260-FN, increasing the amount of catastrophic state aid to school districts for special education. (Langley of Coos 3; et al - To Education)  
67, K 198-199
- HB 261-FN, relative to alcohol and drug abuse. (Riley of Ches. 5 et al - To Regulated Revenues)  
New title: making an appropriation for the alcohol and drug abuse program.  
67, am & Approp 433, K 748
- HB 262-FN, requiring that motor vehicle fines and forfeitures shall be deposited into the state general fund. (Underwood of Mer. 15 - To Ways and Means)  
67, K 615



- HB 263, to eliminate the requirement of a witness on a mortgage discharge. (Dexter of Bel. 8 - To Judiciary)  
New title: providing for a short form of acknowledgment on self-proved wills.  
Second new title: relative to the execution of wills.  
67, am 164, psd 178, conc S am 728, enr 783 (Chapter 255)
- HB 264, permitting towns to choose to elect highway agents for up to 3-year terms. (Flanders of Rock. 5 et al - To Municipal and County Government)  
67, psd 134, 143, S conc 661, enr 758 (Chapter 164)
- HB 265, limiting the grounds for eviction of tenants from certain rental units. (Quimby of Rock. 7 - To Commerce, Housing and Consumer Affairs)  
New title: limiting the grounds for eviction of tenants from certain rental units and eliminating appeals to the superior court in landlord-tenant cases.  
67, am 440-442, psd 467, conc S am 728, enr 827, veto sustained (RC) 846-847
- HB 266-FN, requiring sellers of liquor to file an annual report. (Rounds of Graf. 10; Sen. McLane - To Regulated Revenues)  
67, ext 224, K 575
- HB 267-FN, relative to distributions from the sweepstakes fund. (Daniell of Mer. 12; LaBranche of Mer. 10 - To Ways and Means)  
67, removed from consent calendar 610, K 623
- HB 268-FN, relative to the licensing of kindergartens. (Wallner of Mer. 15 - To Education)  
67, K 199
- HB 269-FN, increasing the license fee for billiard tables, pool tables and bowling alleys. (Tavitian of Rock. 9; Schwaner of Rock. 9 - To Ways and Means)  
67, K 196
- HB 270-FN, making an appropriation to the department of education for the payment of debt service for school construction. (Robinson of Hil. 14 et al - To Education)  
New title: making an appropriation to the department of education for the payment of debt service for school construction and changing the number of installments in which foundation aid shall be paid.  
Second new title: making an appropriation to the department of education for the payment of debt service for school construction, changing the number of installments in which foundation aid shall be paid, and stipulating the manner of expenditure of insufficient funds.  
Third new title: making an appropriation to the department of education for the payment of debt service for school construction and changing the number of installments and the dates of foundation aid.  
67, am & Approp 184, removed from consent calendar 736, am 753, psd 758 (K)
- HB 271-FN, establishing the office of utility consumer advocate. (Guay of Coos 7 - To Commerce, Housing and Consumer Affairs)  
67, K 442-443
- HB 272-FN, creating a self-supporting unified court system. (Jacobson of Mer. 2 - To Judiciary)  
68, K 428
- HB 273-FN, requiring presidential primary checklists to be deposited at the state archives and with the clerk of the federal district court. (Jacobson of Mer. 2 - To Statutory Revision)  
New title: requiring presidential primary checklists to be deposited at the state archives and with the clerk of the federal district court and making certain other changes in the election laws.  
68, am 192-193, psd 214, conc S am 760, enr am 816-817, enr 830 (Chapter 426)

- HB 274-FN, relative to beano and a beano tax. (Carpenito of Rock. 20; Nagel of Rock. 20 - To Regulated Revenues)  
68, K 191
- HB 275-FN, concerning state aid for special education. (Robinson of Hil. 14 - To Education)  
68, Approp 199, LT 748, IP 857
- HB 276-FN, establishing a New Hampshire high technology development authority and making an appropriation therefor. (Wight of Hil. 9 - To Science and Technology)  
68, study 437, 860
- HB 277-FN, providing funds for 6 additional state troopers and equipment for state police and fire marshal for hazardous materials and waste enforcement and emergency response. (Wight of Hil. 9 - To Environment and Agriculture)  
68, Approp 172, psd 737-738, 758 (K)
- HB 278-FN, relative to the federal estate tax marital deduction. (Robinson of Str. 4 - To Judiciary)  
68, K 225
- HB 279-FN, relative to the financing of regional planning commissions. (Wight of Hil. 9 - To Municipal and County Government)  
68, Approp 134, am 738, psd 758 (K)
- HB 280, relative to the wetlands board hearings on fill and dredge in wetlands. (Danderson of Rock. 11 - To Resources, Recreation and Development)  
68, K 134
- HB 281-FN, increasing the beer tax. (Scamman of Rock. 19 - To Ways and Means)  
68, psd (RC) 575-577, 609, nonconc S am, conf 764, 769, rep rej (RC) 794-795, IP 857
- HB 282-FN, relative to complete vehicle registration in cities and towns. (Jacobson of Mer. 2 - To Transportation)  
68, K 165
- HB 283-FN, relative to voc-tech staff positions funding, and making an appropriation therefor. (White of Hil. 31 et al - To Education)  
68, Approp 200, LT 748, IP 857
- HB 284-FN, exempting privately owned school buses from the gas tax. (Hickey of Ches. 13 - To Transportation)  
68, am 194-195, psd 214, S conc 673, enr am 780, enr 829 (Chapter 384)
- HB 285-FN, relative to the inheritance tax. (Daniell of Mer. 12 - To Ways and Means)  
68, removed from consent calendar 224, K 402
- HB 286-FN, relative to a 4 percent tax on income and making an appropriation therefor. (Daniell of Mer. 12 - To Ways and Means)  
68, removed from consent calendar 510, LT 606, IP 857
- HB 287-FN, relative to dental benefits for retirees of the New Hampshire retirement system and making an appropriation therefor. (Chambers of Graf. 12 - To Executive Departments and Administration)  
68, study 202, 860
- HB 288-FN, establishing a Northumberland judicial district and a Northumberland district court. (Langley of Coos 3 - To Judiciary)  
68, K 133-134
- HB 289, requiring banks to cash government-issued checks for elderly and handicapped persons without charge. (Spirou of Hil. 31; Gagnon of Hil. 26 - To Commerce, Housing and Consumer Affairs)  
68, K 413

- HB 290, relative to revenue enhancement and disbursement. (Dionne of Bel. 10 - To Ways and Means)  
68, removed from consent calendar 510, K 606
- HB 291-FN, establishing a special education revolving loan fund and making an appropriation therefor. (Taffe of Graf. 6; Chambers of Graf. 12 - To Education)  
New title: establishing a special education loan fund and making an appropriation therefor.  
68, am & Approp (RC) 199-200, rcmt 621, am 738-740, psd 758 (K)
- HB 292-FN, relative to a cooperative agreement to serve handicapped children, and making an appropriation therefor. (Boucher of Rock. 23; Taffe of Graf. 6 - To Education)  
68, am & Approp 200-202, psd (2 RC's) 748-750, 759 (K)
- HB 293-FN, relative to foundation aid and school building aid to school districts. (Boucher of Rock. 23 - To Education)  
68, study 202, 860
- HB 294-FN, establishing a groundwater protection program and making an appropriation therefor. (Hendrick of Hil. 12 - To Resources, Recreation and Development)  
New title: providing for a method of protection of the groundwater of the state and establishing a water resources management program.  
68, rule 58 suspended 413, am & Approp 433-434, psd 628, 634, nonconc S am, conf 675, 689, rep adop 772, enr 829, study 861 (Chapter 402)
- HB 295-FN, creating the transmission authority state of New Hampshire. (Guay of Coos 7 - To Executive Departments and Administration)  
68, removed from consent calendar 183, K 213
- HB 296, providing low cost loans for postsecondary education. (Bardsley of Mer. 1 et al - To Education)  
68, am 418-419, psd 466, S conc 637, enr am 658, enr 659 (Chapter 112)
- HB 297-FN, establishing a state ethics commission and ethical standards for public employees and public officials. (Kaklamanos of Hil. 26 - To Statutory Revision)  
New title: establishing a committee to study ethics in government.  
68, am 193-194, psd 214, nonconc S am, conf 674, 628, rep adop 793, enr 829, appointments 861 (Chapter 256)
- HB 298-FN, requiring the state board of education to develop and implement a comprehensive educational program on alcohol and drug abuse in public schools. (Head of Hil. 9 et al - To Education)  
68-69, Approp 202, LT 750, IP 857
- HB 299-FN, relative to a tax on income and making an appropriation therefor. (Sackett of Str. 4 et al - To Ways and Means)  
69, study 543, 861
- HB 300-FN, allowing stepchildren and their spouses to inherit tax-free from a stepparent and to bequeath tax-free to a stepparent. (Sanders of Bel. 6; Dickinson of Car. 2 - To Ways and Means)  
69, psd 615, 624, S conc 727, enr 828 (Chapter 257)
- HB 301-FN, establishing a political campaign financing fund. (Jacobson of Mer. 2 - To Statutory Revision)  
69, removed from consent calendar 183, K 213
- HB 302-FN, providing credits for legacy and succession taxes paid on prior transfers between brothers and sisters. (McGlynn of Hil. 26 - To Ways and Means)  
69, K 616

- HB 303-FN, making an appropriation for the drilling of test wells in the town of Merrimack to determine the need for hazardous waste cleanup. (Ahrens of Hil. 13 - To Environment and Agriculture)  
69, K 145
- HB 304-FN, relative to a registered nurse program offering an associate degree at the New Hampshire vocational technical college in Berlin and making an appropriation therefor. (Chardon of Coos 6 et al - To Education)  
69, rcmt 202, rule 58 suspended 413, Approp 419, am 740, psd 758 (K)
- HB 305, relative to regulation of rates for property and casualty insurance. (Boucher of Mer. 9 - To Commerce, Housing and Consumer Affairs)  
69, study 413, 861
- HB 306-FN, relative to the taking of eastern coyotes and making an appropriation therefor. (Dickinson of Car. 2et al - To Fish and Game)  
69, K 185
- HB 307-FN, relative to the cost of living increases in the New Hampshire retirement system. (Skinner of Rock. 21 et al - To Executive Departments and Administration)  
New title: relative to cost of living increases in the New Hampshire retirement system and relative to employers picking up the employee contributions.  
Second new title: relative to cost of living increases in the New Hampshire retirement system and relative to employers picking up the employee contributions.  
69, am & Approp 224-225, am 740-741, psd 758, recon, am 761-763, psd 768 (K)
- HB 308-FN, increasing the discount allowed on the price of liquor sold to on-sale permittees by the liquor commission. (Powers of Car. 5; Lemire of Coos 8 - To Regulated Revenues)  
New title: relative to the discount allowed on the price of liquor sold to on-sale permittees by the liquor commission.  
69, am 191, psd 214, S conc 674, enr 773 (Chapter 218)
- HB 309-FN, relative to the sale of fireworks and imposing a tax thereon. (Eaton of Ches. 4; Sen. White of 11 - To Ways and Means)  
69, removed from consent calendar 510, LT 606, 857, IP 857
- HB 310-FN, relative to construction of the central New Hampshire turnpike and making an appropriation therefor. (Smith of Hil. 19 et al - To Public Works)  
69, Approp 151, am 612-613, psd 624, conc S am 764, enr am 817, enr 830 (Chapter 427)
- HB 311-FN, making an appropriation to the water supply and pollution control commission. (LaMott of Graf. 5 - To Appropriations)  
69, psd 681, 685, conc S am 764, enr 828 (Chapter 258)
- HB 312-FN, requiring the public utilities commission to have an independent risk analysis study and a separate economic impact study conducted for the Seabrook nuclear power plant. (Spirou of Hil. 31; Sen. Splaine - To Science and Technology)  
New title: requiring a consequence analysis study for the Seabrook nuclear power plant.  
69, am 462-463, psd 467, conc S am 662, enr 763, appointments 861 (Chapter 196)
- HB 313-FN, requiring that the cost of medical and health insurance coverage for certain retirees be provided by the state retirement system and making an appropriation therefor. (Spirou of Hil. 31 - To Executive Departments and Administration)  
69, study 203, 861
- HB 314-FN, relative to vanity number plates for motor vehicles. (White of Hil. 31 - To Transportation)  
69, removed from consent calendar 158, SO 177, K 408

- HB 315-FN, making certain supplemental appropriations. (Sytek of Rock. 20 - To Appropriations)  
New title: making certain supplemental appropriations and relative to records relating to assigned counsel for indigent defendants.  
Second new title: making certain supplemental appropriations, relative to records relating to assigned counsel for indigent defendants, and relative to estimated federal funds.  
69, removed from consent calendar 158, am 175-177, psd 178, nonconc S am, conf 627, 636, rep adop 662, enr 672 (Chapter 120)
- HB 316-FN, relative to the alternate business profits tax. (LaMott of Graf. 5 - To Ways and Means)  
69, S Ct opin req 408-409, opin printed 745-747, K 747
- HB 317-FN, amending the business profits tax by limiting the depreciation deduction to the amount allowable before the Economic Recovery Tax Act of 1981. (Converse of Sul. 6 - To Ways and Means)  
69, am 623, psd 624, S nonconc 673
- HB 318-FN, relative to foundation aid. (Robinson of Hil. 14 - To Education)  
69, study 402, 861
- HB 319-FN, relative to the gasoline tax. (White of Hil. 31 - To Public Works)  
69, K 148
- HB 320-FN, creating a comprehensive recycling, solid waste disposal and litter control act. (Oleson of Coos 7 et al - To Environment and Agriculture)  
70, K (RC) 493-494
- HB 321-FN, permitting the sweepstakes commission to conduct a new car lottery. (Healy of Hil. 30 - To Regulated Revenues)  
70, K 406
- HB 322-FN, providing for the acquisition of a certain dam and water rights by the fish and game department and making an appropriation therefor. (Sallada of Hil. 4 et al - To Resources, Recreation and Development)  
77, am & Approp 434-435, psd 628, 634, S conc 687, enr 828 (Chapter 259)
- HB 323-FN, relative to the Summer Brook fish hatchery in the town of Ossipee. (Heath of Car. 4 et al - To Resources, Recreation and Development)  
77, am 482, psd 507, S conc 645, enr 671 (Chapter 127)
- HB 324, reapportioning the Rockingham county commissioner districts. (Sytek of Rock. 20 et al - To Statutory Revision)  
77, psd 407, 409, S conc 661, enr 758 (Chapter 165)
- HB 325, relative to the use of snares in trapping. (Dickinson of Car. 2; Heath of Car. 4 - To Fish and Game)  
77, K 164
- HB 326, to provide for the option of appointment of town clerks. (Matson of Ches. 7 - To Municipal and County Government)  
77, K 190
- HB 327-FN, establishing fees for any publication produced by the department of fish and game. (Heath of Car. 4 - To Fish and Game)  
77, psd 145, 152, S conc 411, enr 638 (Chapter 65)
- HB 328, authorizing towns to establish general reserve funds for any purpose for which a town may raise money. (Sloan of Rock. 6 - To Municipal and County Government)  
77, am 147, psd 152, S conc 637, enr 660, veto SO 835-836, veto overridden (RC) 840-841 (S sustained)



- HB 329, relative to gifts to the department of fish and game.  
(Chagnon of Str. 2 - To Fish and Game)  
77, am 145-146, psd 152, S conc 411, enr 638 (Chapter 66)
- HB 330, concerning the allocation of fees collected for dog and  
kennel licenses. (Heath of Car. 4 - To Municipal and County  
Government)  
77, K 147
- HB 331, relative to weights and measures. (Campbell of Rock. 20 -  
To Environment and Agriculture)  
77, psd 420, 466, S conc 687, enr 828 (Chapter 260)
- HB 332, permitting municipal court justices to hear district court  
cases when the district court justice is disqualified or unable  
to hear the case. (Blake of Rock. 6 - To Judiciary)  
77, K 188
- HB 333-FN, relative to a lump sum death benefit for Lillian  
Palmer. (Smith of Mer. 16 et al - To Executive Departments and  
Administration)  
77-78, am & Approp 184-185, am 613, psd 624, S conc 727, enr 828  
(Chapter 261)
- HB 334, reclassifying the Pemigewasset river between the towns of  
Woodstock and Thornton and the East Branch Pemigewasset river  
between the towns of Lincoln and Woodstock. (King of Graf. 6;  
Hutchings of Graf. 8 - To Resources, Recreation and Development)  
78, psd 165, 178, S conc 637, enr 659 (Chapter 83)
- HB 335, relative to the eminent domain powers of housing  
authorities. (Quimby of Rock. 7; Campbell of Rock. 20 - To  
Commerce, Housing and Consumer Affairs)  
92, study 413, 861
- HB 336, to permit local authorities to lower speed limits in  
thickly settled areas. (Skinner of Rock. 21; Mace of Rock. 21 -  
To Transportation)  
92, am 408, psd 409, S nonconc 637
- HB 337, relative to cross-industry interstate banking and  
equalization of New Hampshire banking institutions. (Kaklamanos  
of Hil. 26 et al - To Commerce, Housing and Consumer Affairs)  
92, study (RC) 555-556, 861
- HB 338-FN, relative to fees collected by the registers of deeds in  
Carroll and Coos counties. (MacDonald of Car. 6 - To Municipal  
and County Government)  
92, psd 190, 214, conc S am 728, enr 827 (Chapter 262)
- HB 339-FN, to allow the town of Ossipee to lease the Summer Brook  
Rearing Station for town purposes. (Powers of Car. 5 et al - To  
Resources, Recreation and Development)  
New title: providing the town of Ossipee the first option on  
purchasing the Summer Brook rearing station.  
92, am 482-483, psd 507, S conc 645, enr 671 (Chapter 128)
- HB 340, establishing a judicial selection commission to recommend  
at least 3 candidates for all judicial appointments.  
(Kaklamanos of Hil. 26; Jacobson of Mer. 2 - To Judiciary)  
92, am 405-406, psd 409, S nonconc 688
- HB 341-FN, consolidating the office space study committee with the  
capital planning committee. (Bibbo of Mer. 3 et al - To  
Legislative Administration)  
92, removed from consent calendar 510, am 601, psd 608, S conc  
727, enr am 817, enr 830 (Chapter 428)
- HB 342-FN, relative to increasing the maximum locally imposed fine  
for violation of a local bylaw. (Gregorio of Rock. 5 et al - To  
Municipal and County Government)  
92, psd 190, 214, S conc 661, enr 758 (Chapter 166)

- HB 343, relative to enforcing water purity laws. (Blair of Graf. 8 - To Municipal and County Government)  
92, am 429, psd 466, S conc 661, enr 758 (Chapter 167)
- HB 344-FN, relative to school building aid for the Conway school district. (Dickinson of Car. 2 et al - To Education)  
92, K 184
- HB 345, relative to the duty of school boards to provide education. (Boucher of Rock. 23 - To Education)  
92, am 470, psd 506, S conc 637, enr 660 (Chapter 84)
- HB 346, relative to permanent applications for tax exemptions. (Hardy of Bel. 4; Parr of Rock. 17 - To Municipal and County Government)  
92, am 429-430, psd 466, S conc 645, enr 828 (Chapter 385)
- HB 347-FN, relative to expenditures made by department of fish and game for search and rescue missions. (Pantelakos of Rock. 24 et al - To Fish and Game)  
New title: providing funds for expenditures made by the department of fish and game for search and rescue missions and making an appropriation therefor.  
92, am & Approp 185, am 613-614, psd 624, S nonconc 688
- HB 348, prohibiting municipalities from subcontracting for police and fire protection. (Wallace of Hil. 32 - To Municipal and County Government)  
92, study 575, 861
- HB 349-FN, providing restitution to the state for illegal taking or possessing game animals, game birds and fur bearing animals. (Chagnon of Str. 2; Dionne of Str. 5 - To Fish and Game)  
New title: providing restitution to the state for illegally taking or possessing game animals, game birds and fur bearing animals; and authorizing the executive director to set a different season for nonresidents taking fur bearing animals.  
92, am 185-186, psd 214, conc S am 674, enr am 771, enr 827 (Chapter 263)
- HB 350, prohibiting political advertising from being displayed on law enforcement and government vehicles. (Cressy of Rock. 16 et al - To Statutory Revision)  
New title: prohibiting political advertising from being displayed on law enforcement and government vehicles and allowing certain candidates to work as election officials.  
92, psd 194, 214, conc S am 662, enr 782 (Chapter 366)
- HB 351-FN, relative to the expenses of trustees of trust funds. (Knight of Hil. 6 - To Municipal and County Government)  
New title: relative to certain trust funds.  
92, am 474, psd 507, conc S am 760, enr 828 (Chapter 264)
- HB 352-FN, to repeal the timber tax. (Johnson of Ches. 3 - To Municipal and County Government)  
92, K 165
- HB 353, relative to muskrat houses. (Dickinson of Car. 2; Heath of Car. 4 - To Fish and Game)  
92, K 164
- HB 354, relative to increasing the legal length for taking lobster. (Drake of Rock. 18 - To Fish and Game)  
92, am (RC) 445-446, psd 467, S conc 645, enr 660 (Chapter 85)
- HB 355, relative to the advertising and selling of cordwood and firewood. (Wheeler of Hil. 10 - To Commerce, Housing and Consumer Affairs)  
92, K 413
- HB 356, repealing certain statutes relative to fish and game matters. (Drake of Rock. 18 - To Fish and Game)  
New title: relative to the limitation on the use of certain devices for salt water fishing and cooperation with federal agencies.  
92, am 421-422, psd 466, S conc 673, enr 773 (Chapter 219)

- HB 357, relative to the acquisition of a dam in disrepair by a town or village district and proceedings before the water resources board. (Burdick of Rock. 7; Malcolm of Rock. 17 - To Resources, Recreation and Development)  
92, psd 191, 214, S conc 645, enr 660, enr am 771, enr 827 (Chapter 265)
  
- HB 358, relative to degree granting authority. (O'Rourke of Hil. 31 et al - To Education)  
92, am 419, psd 466, S conc 637, enr 659 (Chapter 86)
  
- HB 359, transferring administration of old age and survivors insurance from the division of welfare to the state treasurer. (Craig of Hil. 3 - To Health and Welfare)  
New title: transferring administration of old age and survivors insurance from the division of welfare to the board of trustees of the New Hampshire retirement system.  
Second new title: transferring administration of old age and survivors insurance from the division of welfare to the state treasurer.  
92, am & Approp 405, am 614-615, psd 624, S study 688, 861
  
- HB 360, relative to the elimination of the 70 m.p.h. absolute speed limit. (Driscoll of Graf. 8 et al - To Transportation)  
92, K 213
  
- HB 361, requiring the checklist used at any state election to include the full name, address, and political affiliation of each voter. (Sytek of Rock. 20 et al - To Statutory Revision)  
New title: requiring the checklist used at any state election to include the full name, address, and political affiliation of each voter, and allowing candidates to be nominated by more than one party under certain circumstances.  
93, psd 194, 214, conc S am 764, enr am 817-818, enr 830 (Chapter 429)
  
- HB 362, allowing certain candidates to work as election officials. (Sytek of Rock. 20; Sen. Stabile - To Statutory Revision)  
93, K 407
  
- HB 363, relative to blind voters. (Sytek of Rock. 20; Sen. Stabile - To Statutory Revision)  
92, psd 407, 409, S conc 673, enr 774 (Chapter 220)
  
- HB 364, relative to providing scheduled recertification elections for collective bargaining units. (Dickinson of Car. 2 - To Labor, Human Resources and Rehabilitation)  
93, K 164
  
- HB 365, making the killing of a guard dog a class B felony. (Simon of Rock. 9; Danderson of Rock. 11 - Municipal and County Government)  
93, K 190-191
  
- HB 366-FN, establishing a joint administrative rules committee. (Townsend of Sul. 1 et al - To Executive Departments and Administration)  
93, am 203-204, psd 214, conc S am 763, enr am 818, enr 830 (Chapter 454)
  
- HB 367-FN, establishing a legislative dam management review committee. (Miller of Ches. 1; Lamprey of Bel. 1 - To Resources, Recreation and Development)  
93, am 435, psd 467, conc S am 662, enr 763 (Chapter 191)
  
- HB 368-FN, relative to a non resident minor's fishing license. (Chagnon of Str. 2 - To Fish and Game)  
93, am 204, psd 214, S conc 637, enr 660 (Chapter 87)
  
- HB 369-FN, relative to the exportation of livestock, poultry and the grading, marking and sale of eggs. (Campbell of Rock. 20 - To Environment and Agriculture)  
93, am 420, psd 466, S conc 687, enr 828 (Chapter 266)

- HB 370, permitting a person to be the candidate for only one party. (Sytek of Rock. 20 et al - To Statutory Revision) 93, psd 438, 467, S conc 673, enr 774 (Chapter 221)
- HB 371, relative to state party conventions. (Sytek of Rock. 20 - To Statutory Revision) 93, psd 407, 409, S conc 661, enr 758 (Chapter 168)
- HB 372-FN, relative to property tax bills. (Easton of Graf. 11; Downing of Graf. 11 - To Municipal and County Government) 94, K 474
- HB 373, permitting properly registered OHRVs to operate on certain designated roads and trails. (Galway of Hil. 30 - To Fish and Game) 94, K 446
- HB 374, relative to home rule for siting hazardous waste facilities. (Spirou of Hil. 31 et al - To Science and Technology) 94, com changed 404, K (RC) 562-563
- HB 375-FN, establishing the special study commission on comparable worth in state employment. (Leslie of Rock. 20 et al - To Labor, Human Resources and Rehabilitation) 94, psd 212, 214 (K)
- HB 376-FN, relative to obtaining a commercial kennel license. (Dickinson of Car. 2 - To Commerce, Housing and Consumer Affairs) New title: defining a commercial kennel. 94, am 413-414, psd 466, S conc 674, enr 774 (Chapter 228)
- HB 377, relative to emergency action plans for dams. (Dingle of Str. 4 - To Resources, Recreation and Development) 94, am 435-436, psd 467, S conc 645, enr 660 (Chapter 88)
- HB 378, relative to protection for owners of cars being repaired. (Danderson of Rock. 11 - To Commerce, Housing and Consumer Affairs) 94, K 224
- HB 379, to require dealers to display sticker prices on trucks. (Danderson of Rock. 11 - To Commerce, Housing and Consumer Affairs) New title: to require sticker prices on trucks. 94, am 414-415, psd 466, conc S am 728, enr am 812, enr 830 (Chapter 430)
- HB 380, relative to reports required to be filed by certain political committees. (Rounds of Graf. 10 - To Statutory Revision) 94, am 407, psd 409, S conc 645, enr 659 (Chapter 89)
- HB 381, legalizing the name "Contoocook Village Precinct" and legalizing the special meeting of that precinct held on December 29 and 30, 1982. (Lewis of Mer. 5 - To Municipal and County Government) New title: legalizing the name "Contoocook Village Precinct," legalizing certain meetings and authorizing the collection of taxes on certain dates in the town of Londonderry. Second new title: legalizing the name "Contoocook Village Precinct," legalizing certain meetings; and authorizing certain borrowing, and the collection of certain taxes, and the issuance of certain bonds. 94, am 474-475, psd 507, nonconc S am, conf 728-729, 767, rep adop 780, enr 828 (Chapter 189)
- HB 382, adding members to joint committee on employment relations. (Skinner of Rock. 21 - To Labor, Human Resources and Rehabilitation) New Title: adding members to the joint committee on employment relations and exempting the department of employment security from uniform hearing procedures. 94, am 473-474, psd 507, nonconc S am, conf 757, 766, 774, rep adop 796, enr 829 (Chapter 386)

- HB 383-FN, prohibiting tax exemptions for the legally blind who hold driver's licenses. (Blouin of Str. 2; Dickinson of Car. 2 - To Municipal and County Government)  
114, psd 191, 214, S nonconc 673
- HB 384, to establish a task force to design a cooperative system of placements for children. (Vartanian of Rock. 20; Sen. McLane - To State Institutions)  
114, am 437, psd 467, S conc 636, enr 659, appointments 861 (Chapter 113)
- HB 385-FN, limiting the services of the fish and game department to private ponds that do not have public access. (Theriault of Coos 8 et al - To Fish and Game)  
New title: limiting the services the fish and game department may supply to certain private ponds that do not have public access.  
114, am 422, psd 466, S study 688, 861
- HB 386-FN, requiring the state to pay for out-of-state placement of juveniles. (Ahrens of Hil. 13 - To Health and Welfare)  
114, Approp 405, LT 750, IP 857
- HB 387-FN, requiring a biennial audit of the legislative accounts. (Warburton of Rock. 6 - To Legislative Administration)  
114, K 542
- HB 388, relative to special licenses and permits for nonprofit organizations. (Lemire of Coos 8; Theriault of Coos 8 - To Regulated Revenues)  
114, K 433
- HB 389, relative to preservation of prime farmland. (Johnson of Ches. 3 - To Municipal and County Government)  
114, K 430
- HB 390, prohibiting the use of live animals as prizes. (Dickinson of Car. 2; Sen. Wiggins - To Fish and Game)  
114, study 422, 862
- HB 391, amending certain banking laws. (Demers of Str. 9 - To Commerce, Housing and Consumer Affairs)  
114, am 415-416, psd 466, conc S am 674, enr 782 (Chapter 369)
- HB 392-FN, relative to dams owned by the department of fish and game. (Lewis of Mer. 5 - To Resources, Recreation and Development)  
114, psd 436, 467, S conc 645, enr 659 (Chapter 114)
- HB 393, relative to the minimum wage for youths. (Carpenito of Rock. 20 - To Labor, Human Resources and Rehabilitation)  
114, psd (RC) 495-496, 508, conc S am 760, enr 828 (Chapter 267)
- HB 394-FN, amending various provisions of the motor vehicle laws. (Gordon of Ches. 5 - To Transportation)  
114, am 195-196, psd 214, S conc 688, enr am 818-819, enr 830 (Chapter 431)
- HB 395-FN, permitting the naming of contingent beneficiaries for retirement benefits under the state retirement system. (Kozacka of Rock. 13 - To Executive Departments and Administration)  
114, psd 421, 466, S conc 674, enr 774 (Chapter 222)
- HB 396, permitting voters in towns with a population of 700 or more persons to petition to keep the polls open until 8:00 p.m. (Cressy of Rock. 16 et al - To Statutory Revision)  
114, psd 438, 567, S nonconc 646
- HB 397-FN, increasing the per diem charge for impounded dogs. (Robie of Hil. 27; Arris of Hil. 19 - To Municipal and County Government)  
114, am 430-431, psd 466, S conc 674, enr 774 (Chapter 198)



- HB 398-FN, relative to the definition of public employee and supervisor. (Dickinson of Car. 2 - To Labor, Human Resources and Rehabilitation)  
114, K 190
- HB 399-FN, relative to responsibility for damages resulting from discrimination promoted or caused by the collective bargaining process. (Dickinson of Car. 2 - To Labor, Human Resources and Rehabilitation)  
114, K 190
- HB 400, making appropriations for capital improvements. (Bibbo of Mer. 3 et al - To Public Works)  
New title: making appropriations for capital improvements and expanding the bonding authority of the New Hampshire higher educational and health facilities authority.  
Second new title: making appropriations for capital improvements and relative to including the university of New Hampshire, Plymouth state college, and Keene state college in the definition of an institution for postsecondary or higher education for certain purposes relative to the New Hampshire higher educational and health facilities authority.  
Third new title: making appropriations for capital improvements and amending the definition for an institution for postsecondary or higher education, life-care facilities and nursing homes under the provisions of the higher educational and health facilities authority.  
129, am & Approp 455-462, am (RC) 621-623, psd 624, nonconc S am, conf 764, 769, rep adop (RC) 795, enr am 819, enr 830 (Chapter 423)
- HB 401, allowing persons voting in primaries to change party affiliation by mail. (Lewis of Mer. 5 - To Statutory Revision)  
131, K 499
- HB 402, relative to bonding reauthorization. (Boucher of Rock. 23; Sen. Kelly of Dist. 14)  
intro & psd 115, 118, S conc 129, enr 131 (Chapter 11)
- HB 403-FN, relative to construction of a highway by-pass around the town of Conway. (Dickinson of Car. 2 et al - To Public Works)  
131, psd 432, 466, conc S am 764, enr 828 (Chapter 268)
- HB 404, relative to the serving of liquor and beverages in view of a public way. (Dickinson of Car. 2 - To Regulated Revenues)  
131, K 433
- HB 405, relative to the form of ballots for state general elections. (Abrams of Hil. 6 - To Statutory Revision)  
131, am 487-488, psd 507, S nonconc 727
- HB 406-FN, relative to the age limits for special education. (Bolduc of Bel. 10; Joos of Str. 1 - To Education)  
131, study 492, 862
- HB 407-FN, to update certain sections of the motor vehicle road toll laws. (York of Coos 8 - To Transportation)  
131, psd 226, 403, S conc 688, enr 782 (Chapter 269)
- HB 408-FN, relative to hydro funds. (Bardsley of Mer. 1 - To Resources, Recreation and Development)  
131, psd 436, 467, S conc 645, enr am 675, enr 758 (Chapter 169)
- HB 409-FN, directing the New Hampshire industrial development authority to sell the industrial park in Derry and Londonderry. (Bangs of Rock. 7 - To Commerce, Housing and Consumer Affairs)  
131, K 469
- HB 410-FN, creating a commission to study alternative procedures for the resolution of marital questions. (Jacobson of Mer. 2 - To Judiciary)  
131, psd 428, S nonconc 688, S conc 727, enr 827, appointments 862 (Chapter 403)

- HB 411, relative to the public employee labor relations board.  
(Skinner of Rock. 21 - To Labor, Human Resources and  
Rehabilitation)  
131, psd 225, 403, S conc 688, enr 782 (Chapter 270)
- HB 412-FN, establishing the position of assistant to the  
commissioner of the department of resources and economic  
development. (Dickinson of Car. 2 - To Executive Departments  
and Administration)  
131, am 445, psd 467, S conc 661, enr 758 (Chapter 170)
- HB 413, reclassifying certain highways in the town of Conway.  
(Ashnault of Car. 2 - To Public Works)  
131, psd 432, 466, S conc 645, enr 660 (Chapter 90)
- HB 414, to remove prohibitions against companion animals in housing  
for the elderly. (Dickinson of Car. 2 et al - To Municipal and  
County Government)  
131, am 496-497, psd 508, conc S am 728, enr 828 (Chapter 404)
- HB 415-FN, relative to the New Hampshire port authority. (Boucher  
of Rock. 23; Drake of Rock. 18 - To Executive Departments and  
Administration)  
143, K 421
- HB 416-FN, instituting an automated information system for the  
state library. (Skinner of Rock. 21 et al - To State  
Institutions)  
143, am & Approp 438, am 628, psd 634, S conc 687, enr 828  
(Chapter 271)
- HB 417, requiring persons convicted of driving while intoxicated to  
attend alcohol awareness programs. (Sytek of Rock. 20 et al -  
To Judiciary)  
143, K 533
- HB 418-FN, establishing a diesel fuel tax study commission.  
(Easton of Graf. 11 - To Ways and Means)  
143, am 616, psd 624, S conc 673, enr 758, appointments 862  
(Chapter 171)
- HB 419, relative to the Laconia airport authority. (Dionne of Bel.  
10 et al - To Municipal and County Government)  
143, am 406, psd 409, S conc 636, enr 659 (Chapter 91)
- HB 420, relative to the change in the use of structures built for  
residential or commercial use. (Sanders of Bel. 6 et al - To  
Resources, Recreation and Development)  
New title: relative to the change in the use of buildings built  
for residential or commercial use.  
143, am 483-484, psd 507, S study 688, 862
- HB 421, to modify the obligations of step-parents to support  
step-children. (Gage of Rock. 13 - To Judiciary)  
143, study 428, 862
- HB 422, prohibiting discrimination by landlords against persons  
with children. (Ingram of Sul. 4 et al - To Commerce, Housing  
and Consumer Affairs)  
New title: clarifying existing law prohibiting discrimination  
by landlords against persons with children.  
143, am 469, psd 506 (K)
- HB 423, relative to expenditure of funds by libraries. (Skinner of  
Rock. 21; Flanagan of Rock. 8 - To Municipal and County  
Government)  
143, psd 406, 409, conc S am 688, enr 829 (Chapter 272)
- HB 424-FN, relative to classifying mobile homes as real property.  
(Sloan of Rock. 6 - To Commerce, Housing and Consumer Affairs)  
143, K 510
- HB 425-FN, authorizing advanced registered nurse practitioners to  
prescribe medications in certain circumstances. (Murphy of Car.  
2 et al - To Health and Welfare)  
143, psd 423, 466, S conc 658, enr 671 (Chapter 129)

- HB 426, amending certain checklist practices. (Cressy of Rock. 16 et al - To Statutory Revision)  
143, psd 438, 467, conc S am 760, enr 829 (Chapter 273)
- HB 427-FN, establishing civil penalties for violation of laws affecting dams and flowage. (Lyons of Hil. 22 et al - To Resources, Recreation and Development)  
143, psd 436, 467, S conc 645, enr 659 (Chapter 92)
- HB 428-FN, relative to current use taxation. (Shepard of Mer. 5 - To Environment and Agriculture)  
143, K 420
- HB 429, authorizing the repair or reconstruction of certain dams. (Dingle of Str. 4 et al - To Resources, Recreation and Development)  
143, am 436, psd 467, S conc 645, enr 659 (Chapter 93)
- HB 430-FN, providing filing fees for the construction or reconstruction of dams. (Woodward of Rock. 18 - To Resources, Recreation and Development)  
New title: providing filing fees for the construction or reconstruction of dams and making an appropriation therefor.  
143, Approp 436, am 628-629, psd 634, nonconc S am, conf 674, 689, rep adop 783, enr am 819, enr 830 (Chapter 432)
- HB 431-FN, relative to excavating and dredging permits and the wetlands board. (Woodward of Rock. 18; Lewis of Mer. 5 - To Resources, Recreation and Development)  
143, psd 436, 467, nonconc S am, conf 757, 766, rep adop 783, enr am 819, enr 830 (Chapter 433)
- HB 432-FN, to extend the road toll increase. (Gordon of Ches. 5 - To Ways and Means)  
143, removed from consent calendar 510, psd 606, 608, S conc 637, enr 671 (Chapter 121)
- HB 433-FN, deleting requirement for district court sessions in Epping. (Blaisdell of Rock. 13 - To Judiciary)  
144, psd 428, 466, S nonconc 661
- HB 434-FN, providing a shoreline assessment for the dam maintenance fund. (Lefebvre of Hil. 26 - To Resources, Recreation and Development)  
144, K 437
- HB 435, legalizing a certain marker placed along the boundary between the towns of Lee and Barrington. (Musler of Str. 3 - To Municipal and County Government)  
144, psd 406, 409, S conc 674, enr 773 (Chapter 199)
- HB 436-FN, establishing a highway block grant aid program. (Driscoll of Graf. 8 - To Public Works)  
144, am 432, psd 466, conc S am 659, enr 771 (Chapter 122)
- HB 437-FN, establishing a 90 day limit for filing claims for liens against funds held by the state on highway contracts. (Pelletier of Coos 2 - To Public Works)  
144, psd 432, 466, S conc 657, enr 671 (Chapter 130)
- HB 438-FN, relative to the use of the annual population estimates of the office of state planning in establishment of the compact sections in cities and towns with a population of 7,500 or more. (Pelletier of Coos 2 - To Public Works)  
144, psd 432-433, 467, S conc 657, enr 774 (Chapter 131)
- HB 439, relative to taking of property by eminent domain by a public utility for power lines. (Cressy of Rock. 16 et al - To Commerce, Housing and Consumer Affairs)  
144, removed from consent calendar 468, study 499, 862
- HB 440, relative to extending interstate 393 to route 106 and completing the upgrading of route 106. (Bolduc of Bel. 10 et al - To Public Works)  
144, K 462

- HB 441, relative to processing of certain complaints against public employers charged with breach of a collective bargaining agreement. (Dickinson of Car. 2 - To Labor, Human Resources and Rehabilitation)  
144, K 226
- HB 442-FN, exempting credit union depositors from the interest and dividends tax. (Lamy of Hil. 37 - To Commerce, Housing and Consumer Affairs)  
144, psd 416, 466, conc S am 766, enr 828 (Chapter 405)
- HB 443-FN, requiring the Wentworth-Douglass hospital in Dover to make a payment in lieu of taxes. (Belhumeur of Str. 6 et al - To Municipal and County Government)  
144, K 406
- HB 444-FN, changing the form of the elderly exemption to a standard deduction from the tax bill and repealing all other elderly exemptions. (Perry of Ches. 10 - To Municipal and County Government)  
144, removed from consent calendar 413, study 464-465, 862
- HB 445-FN, to continue the operation of the Warren fish hatchery and close the Twin Mountain hatchery. (Densmore of Graf. 3; Taffe of Graf. 6 - To Fish and Game)  
144, study 422, 862
- HB 446-FN, relative to licensing and registration of certain vehicles. (Lamprey of Bel. 1 et al - To Transportation)  
144, K 464
- HB 447, giving docket preference to civil cases in which at least one of the parties is age 65 or older. (Lamprey of Bel. 1 - To Judiciary)  
144, study 428, 862
- HB 448-FN, relative to the health facilities licensing laws. (Cressy of Rock. 16 et al - To Health and Welfare)  
144, am 423-424, psd 466, conc S am 662, enr 782 (Chapter 274)
- HB 449, relative to teacher tenure. (Robinson of Hil. 14 - To Education)  
144, am 419, psd 466, S nonconc 727
- HB 450-FN, relative to retention and disposition of official records of a school district. (Quinn of Hil. 30; Robinson of Hil. 14 - To Education)  
144, am 419, psd 466, S conc 637, enr 660 (Chapter 94)
- HB 451, relative to current use. (Taffe of Graf. 6; King of Graf. 6 - To Environment and Agriculture)  
144, am 445, psd 467, conc S am 760, enr 828, appointments 862 (Chapter 406)
- HB 452-FN, making certain changes in the current use laws. (King of Graf. 6; Taffe of Graf. 6 - To Environment and Agriculture)  
144, K 420
- HB 453-FN, relative to disclosure of information by certain medical providers. (Sytek of Rock. 20 - To Judiciary)  
144, study 551, 862
- HB 454-FN, permitting group II members who reach age 65 to make an election for retirement benefits. (Burkush of Hil. 36 - To Executive Departments and Administration)  
144, am 419-420, psd 607, nonconc S am, conf 689, 766 (IP)
- HB 455-FN, relative to current use assessment of certain land owned by the town located in another town. (White of Hil. 31 - To Municipal and County Government)  
144, com changed 152, K 420-421
- HB 456-FN, to provide a loss carryover under the business profits tax. (Quimby of Rock. 7 et al - To Ways and Means)  
152, K 543

- HB 457-FN, relative to distributing evenly the tax exemption for totally disabled veterans. (Levesque of Hil. 25 et al - To Municipal and County Government)  
152-153, am 431, psd 466, S conc 645, enr 660 (Chapter 95)
- HB 458-FN, relative to changing the current use law. (Jacobson of Mer. 2 - To Environment and Agriculture)  
153, K 421
- HB 459, requiring identification names and numbers on dentures and removable dental prostheses. (Clark of Ches. 3 - To Health and Welfare)  
153, am 424, psd 466 (K)
- HB 460, amending the truck weight and size laws to conform to federal requirements. (Walter of Graf. 13 - To Transportation)  
153, removed from consent calendar 469, am 501-505, psd 508, conc S am 764, enr am 819, enr 830 (Chapter 434)
- HB 461, providing for the filling of vacancies of elected planning board members by the selectmen. (Gregorio of Rock. 5 et al - To Municipal and County Government)  
153, K 431
- HB 462, relative to the rights of blind or hearing impaired persons accompanied by a seeing eye dog or hearing ear dogs. (Torr of Str. 6 - To Health and Welfare)  
New title: relative to the rights of blind or hearing impaired persons accompanied by a dog guide or hearing ear dogs.  
Second new title: relative to the rights of blind or hearing impaired persons accompanied by seeing eye or hearing ear dogs.  
153, am 424-426, psd 466, conc S am 764, enr 828 (Chapter 275)
- HB 463, transferring the licensing and enforcement duties of the state liquor commission to the department of safety. (Rounds of Graf. 10; Sen. McLane - To Executive Departments and Administration)  
153, removed from consent calendar 510, am & Approp 581-582, am & study (RC) 642-643, 862
- HB 464, authorizing adjustments to the boundary line between the Concord Union school district and the Merrimack Valley school district. (Holmes of Mer. 13 et al - To Education)  
153, psd 419, 466, S conc 637, enr 659 (Chapter 96)
- HB 465, relative to proceedings before the water resources board. (Woodward of Rock. 18 et al - To Resources, Recreation and Development)  
New title: relative to proceedings before the water resources and authorizing a town to expend funds for the purpose of repairs to privately owned dams or dams owned by a village district.  
Second new title: relative to proceedings before the water resources board.  
153, psd 437, 467, nonconc S am, conf 729, 766, rep adop 780, enr am 819-820, enr 830 (Chapter 435)
- HB 466, relative to the laws affecting the state militia and state employees who are members of the armed forces. (Benton of Rock. 5 - To Public Protection and Veterans' Affairs)  
153, am 431-432, psd 466, S conc 674, enr 773 (Chapter 276)
- HB 467-FN, permitting the impoundment of a vehicle used by a person convicted of a second offense of driving while intoxicated. (Knight of Hil. 6; Brack of Hil. 32 - To Judiciary)  
153, K 533
- HB 468, modifying the composition of the state council on aging. (Dickinson of Car. 2 - To Executive Departments and Administration)  
New title: relative to the state council on aging.  
153, am 520, psd 607, conc S am 770, recon, nonconc S am, conf 773, 774, new com 792, rep adop 796, enr 829 (Chapter 436)



- HB 469-FN, relative to the attendance of the attorney general or his designee at involuntary commitment proceedings. (Kidder of Mer. 2 - To State Institutions)  
153, psd 438, 467, S conc 661, enr 758 (Chapter 172)
- HB 470-FN, to reclassify certain highways in the towns of Jefferson and Center Harbor from class II to class V highways. (Galloway of Ches. 1 - To Public Works)  
153, psd 480, 507, S conc 637, enr 660 (Chapter 97)
- HB 471, concerning the effective date of certain laws. (Lane of Ches. 15 - To Legislative Administration)  
153, am 542, psd 608, S conc 673, enr 773 (Chapter 278)
- HB 472, providing for a lien on certain property of a tenant. (Lane of Ches. 15 - To Commerce, Housing and Consumer Affairs)  
153, K 469
- HB 473, relative to gasoline credit account charges. (French of Bel. 4 - To Commerce, Housing and Consumer Affairs)  
153, psd 510, 607, S study 862
- HB 474, authorizing the mayor of Concord, with the consent of the city council, to appoint commissioners to the Concord housing authority. (McDonnell of Mer. 16 - To Municipal and County Government)  
153, psd 475, 507, S nonconc 673
- HB 475, requiring inclusion in town warrants of a separate article relative to wage increases for town employees. (Jacobson of Mer. 2 - To Municipal and County Government)  
153, K 431
- HB 476-FN, relative to the retirement allowance for early retirees. (Walker of Rock. 17 - To Executive Departments and Administration)  
153, psd 421, 466, S conc 687, enr 774 (Chapter 223)
- HB 477, relative to the right-to-know law. (Arris of Hil. 19 - To Judiciary)  
153, am 428-429, psd 466, S conc 661, enr am 776, enr 830 (Chapter 279)
- HB 478-FN, relative to the postsecondary vocational education budget. (Pearson of Bel. 5 - To Education)  
New title: relative to the postsecondary vocational education budget and making an additional appropriation for constructing regional vocational education centers.  
153, am & Approp 470, K 741
- HB 479, clarifying the meaning of "incompatible offices" in RSA 669:7. (Lawrence of Hil. 19 - To Statutory Revision)  
New title: relative to the incompatibility of certain offices.  
153, psd 438, 467, conc S am 646, enr 671 (Chapter 132)
- HB 480, relative to the adoption of a New England truckers compact. (LaMott of Graf. 5 et al - To Transportation)  
153, psd 438, 467, S conc 673, enr am 780, enr 829 (Chapter 280)
- HB 481-FN, enabling the state to enter the regional fuel tax agreement. (LaMott of Graf. 5 et al - To Transportation)  
153, psd 439, 467, S conc 688, enr 782 (Chapter 281)
- HB 482-FN, increasing certain fees charged by the department of safety. (Hardy of Bel. 4 - To Ways and Means)  
153, K 490-491
- HB 483-FN, relative to the escrow account for court facility improvements. (Bibbo of Mer. 3 - To Judiciary)  
153, K 429
- HB 484-FN, relative to driving while intoxicated. (Lussier of Str. 8 et al - To Judiciary)  
154, K 533

- HB 485-FN, to allow the use of preliminary breath testing devices for establishment of probable cause. (Lussier of Str. 8 et al - To Judiciary)  
154, K 533
- HB 486-FN, requiring persons who serve liquor to obtain server permits. (Lussier of Str. 8; Flynn of Str. 8 - To Judiciary)  
154, K 429
- HB 487, prohibiting the drinking of alcoholic beverages by a person driving a vehicle upon any way. (Lussier of Str. 8; Flynn of Str. 8; Freese of Dist. 4 - To Judiciary)  
154, removed from consent calendar 510, K 597
- HB 488-FN, increasing the penalties for driving after revocation of a license for driving under the influence of alcohol or drugs. (Lussier of Str. 8 et al - To Judiciary)  
154, K 533
- HB 489-FN, to provide for 2 additional superior court associate justices and 2 additional assistant attorneys general. (Lussier of Str. 8; Flynn of Str. 8 - To Judiciary)  
154, K 429
- HB 490-FN, relative to driving while impaired. (Underwood of Mer. 15 - To Judiciary)  
154, K 533
- HB 491-FN, increasing the penalties for negligent homicide with a motor vehicle. (Brack of Hil. 32; Lussier of Str. 8 - To Judiciary)  
154, K 533
- HB 492, relative to the election of representatives to the general court and delegates to state conventions from Nashua. (Kaklamanos of Hil. 26; Carragher of Hil. 22 - To Statutory Revision)  
154, psd 438, 467, S conc 688, enr 782 (Chapter 282)
- HB 493-FN, increasing the jurisdictional amounts of small claims and the district court. (Blake of Rock. 6 et al - To Judiciary)  
New title: increasing the jurisdictional amount of small claims.  
Second new title: increasing the jurisdictional amount of the small claims court.  
154, am 533-534, psd 608, conc S am 760, enr 783 (Chapter 283)
- HB 494-FN, exempting the Conway incinerator from the air pollution standards of the air resources agency. (Dickinson of Car. 2 et al - To Environment and Agriculture)  
154, K 421
- HB 495-FN, relative to the land use change tax. (Blair of Graf. 8 - To Environment and Agriculture)  
154, K 421
- HB 496-FN, creating a judicial compensation commission and relative to the continuance of part time district courts. (Sytek of Rock. 20 - To Judiciary)  
New title: relative to the continuance of part time district courts.  
154, am 534, psd 608, nonconc S am, conf 757, 766, 775, rep adop 783, enr am 820, enr 830 (Chapter 437)
- HB 497, relative to trespassing on posted property. (Horton of Coos 4 - To Judiciary)  
154, K 534
- HB 498-FN, establishing a state wild duck and goose stamp and waterfowl conservation account. (Riley of Mer. 9 et al - To Fish and Game)  
New title: establishing migratory waterfowl stamp and a waterfowl conservation account.  
154, am & Approp 447, psd 629, 634, conc S am 674, enr 764 (Chapter 173)

- HB 499-FN, increasing the period of discontinuation of or disqualification for food stamp assistance. (Joslyn of Rock. 20 - To Health and Welfare)  
New title: relative to food stamp fraud.  
154, psd 426, 466, conc S am 728, enr 829 (Chapter 469)
  
- HB 500, making appropriations for the expenses of certain departments of the state for fiscal years ending June 30, 1984 and June 30, 1985. (Kidder of Mer. 2 - To Appropriations)  
132, am (9 RC's) 226-402, psd 403, nonconc S am, conf 764-765, recon rej 767, conf 769, new com (RC) 814-815, jt rules on reporting date suspended (RC) 815-816, rep adop (RC) 851-852, enr am 857-858, enr 859, appointments 862-863 (Chapter 469)
  
- HB 501, relative to funds deposited by treasurers of municipalities, counties and school districts. (Krasker of Rock. 25; LoFranco of Rock. 26 - To Municipal and County Government)  
154, K 475
  
- HB 502, restricting current use valuation benefits to New Hampshire residence. (Matson of Ches. 7 - To Environment and Agriculture)  
154, K 421
  
- HB 503-FN, creating a presumption that cardiovascular disease in police officers is occupationally related. (Murphy of Car. 2 et al - To Labor, Human Resources and Rehabilitation)  
154, K 553
  
- HB 504, relative to the final environmental impact statement and the preliminary engineering studies of the corridor for the north quadrant of Nashua-Hudson circumferential highway project. (Smith of Hil. 19 et al - To Public Works)  
154, psd 480, 507, conc S am 662, enr 682 (Chapter 284)
  
- HB 505-FN, providing for the replacement of the state-owned bridge on the Gray Rocks road in the town of Belmont and making an appropriation therefor. (Hawkins of Bel. 5 - To Public Works)  
154, K 480
  
- HB 506-FN, to change the maximum age of juvenile court jurisdiction over minors charged with crimes from 18 to 16. (Eaton of Ches. 4; Dickinson of Car. 2 - To Health and Welfare)  
156, study 426, 863
  
- HB 507-FN, relative to the collection of taxes. (King of Rock. 4 - To Municipal and County Government)  
New title: relative to the collection of taxes and the registration of certain vehicles.  
156, psd 431, 466, conc S am 689, enr 830 (Chapter 285)
  
- HB 508-FN, to exempt seasonal tourist attractions from certain public utility commission requirements. (Dickinson of Car. 2 - To Commerce, Housing and Consumer Affairs)  
156, am 416, psd 466, S conc 637, enr 659 (Chapter 115)
  
- HB 509-FN, relative to tax liens. (Dickinson of Car. 2 et al - To Municipal and County Government)  
156, K 475
  
- HB 510, relative to nursing home cost incentive programs. (Nelson of Hil. 28; Spirou of Hil. 31 - To Health and Welfare)  
156, am 426, psd 466, S conc 636, enr 671 (Chapter 133)
  
- HB 511-FN, relative to school district liability for special education. (Taffe of Graf. 6 - To Education)  
156, psd 470, 506, S conc 727, enr 827 (Chapter 286)
  
- HB 512, relative to clarification of certain terms regarding school children. (Taffe of Graf. 6 - To Education)  
156, am 516, psd 607, S conc 727, enr am 820, enr 830, veto sustained (RC) 853-855

- HB 513-FN, relative to deduction of military retirement pay from unemployment compensation benefits. (Matson of Ches. 7; Ramsey of Hil. 35 - To Labor, Human Resources and Rehabilitation) 156, K 538
- HB 514-FN, providing for the unlimited duration of rules adopted by the bank commissioner under RSA 394-A. (Crory of Graf. 12; Christy of Graf. 11 - To Commerce, Housing and Consumer Affairs) 156, psd 416, 466, S conc 674, enr 773 (Chapter 287)
- HB 515, relative to the disposition of unclaimed dogs. (Dickinson of Car. 2 - To Environment and Agriculture) 156, K 421
- HB 516-FN, relative to eligibility and liability for certain public assistance. (Knight of Hil. 6 et al - To Health and Welfare) 156-157, am 426, psd 466, conc S am 760, enr 829 (Chapter 288)
- HB 517-FN, relative to overtime pay. (Eaton of Ches. 4 - To Labor, Human Resources and Rehabilitation) 157, study 553, 863
- HB 518-FN, to prohibit leaving unattended children in motor vehicles. (Eaton of Ches. 4 - To Transportation) 157, K 439
- HB 519, prohibiting the possession of weapons by convicted felons. (Eaton of Ches. 4 - To Judiciary) 157, K 429
- HB 520, relative to the right to privacy law. (Rounds of Graf. 10 et al - To Judiciary) 157, am 472, psd 507, S conc 661, enr 758 (Chapter 174)
- HB 521-FN, regulating rental referral agencies, health clubs, and buying clubs. (Crory of Graf. 12 et al - To Commerce, Housing and Consumer Affairs)  
New title: regulating rental referral agencies, health clubs, buying clubs and relative to real estate brokers licenses. 157, removed from consent calendar 510, am (RC) 578-580, psd 607, conc S am 765, enr am 820, enr 830 (Chapter 438)
- HB 522-FN, relative to appeals by the state in criminal cases. (Scamman of Rock. 19 - To Judiciary) 157, study 534, 863
- HB 523-FN, amending the meals and rooms tax and certain powers of the collections division of the department of revenue administration. (French of Bel. 4 - Ways and Means) 157, am 616, psd 624, conc S am 761, enr am 820, enr 830 (Chapter 439)
- HB 524-FN, regulating home health care agencies. (Cressy of Rock. 16 et al - To Health and Welfare) 157, study 426, 863
- HB 525-FN, relative to the liability for the placement of children. (Torr of Str. 6 - To Health and Welfare) 157, com changed 224, K 516-517
- HB 526-FN, relative to energy conservation in new building construction. (Bowler of Bel. 2; Smith of Hil. 19 - To Science and Technology) 157, am 497-498, psd 508, S conc 673, enr 774, veto sustained (RC) 848-849
- HB 527, relative to district court payments and relative to records relating to assigned counsel for indigent defendants. (Eaton of Ches. 4 - To Judiciary) 157, K 429
- HB 528, permitting members of the general court to work at dog or horse race tracks. (Kashulines of Hil. 19 - To Regulated Revenues) 157, K 481

- HB 529-FN, relative to group insurance benefits for surviving spouses and dependents. (Sullivan of Mer. 15 - To Commerce, Housing and Consumer Affairs)  
157, study 510, 863
  
- HB 530-FN, relative to persons incompetent to stand trial. (Dickinson of Car. 2 - To Judiciary)  
157, study 472, 863
  
- HB 531-FN, relative to liquor and wine distribution. (Ahrens of Hil. 13 - To Regulated Revenues)  
New title: relative to liquor and wine.  
157, am 481-482, psd 507, nonconc S am, conf 725, 766, rep adop 783, enr 829 (Chapter 388)
  
- HB 532-FN, relative to the property tax exemption for charitable organizations. (D'Amante of Sul. 7; Sen. Wiggins of Dist. 8 - To Municipal and County Government)  
157, K 431
  
- HB 533-FN, relative to workmen's compensation for part-time members of police and fire departments. (Eaton of Ches. 4 - To Labor, Human Resources and Rehabilitation)  
157, K 538
  
- HB 534-FN, relative to the penalty for violation of the odometer disclosure law. (Wells of Hil. 9 - To Transportation)  
157, psd 439, 467, S conc 673, enr 783 (Chapter 289)
  
- HB 535-FN, relative to the payment of wages to an employee who reports to work at the request of his employer. (Hawkins of Bel. 5 - To Labor, Human Resources and Rehabilitation)  
157, psd 538, 608, S nonconc 688
  
- HB 536, relative to the protection of pupil's rights. (Fields of Hil. 13 - To Education)  
157, K 419-420
  
- HB 537-FN, relative to property tax assessments. (Jacobson of Mer. 2 - To Municipal and County Government)  
157, psd 475, 507, S conc 661, enr 773 (Chapter 363)
  
- HB 538-FN, relative to police presence at dances, carnivals and circuses. (Sullivan of Mer. 15 - To Municipal and County Government)  
New title: relative to police presence at public meetings and functions.  
157, com changed 214, am 554-555, psd 609, S conc 674, enr 773 (Chapter 290)
  
- HB 539, limiting the use of power boats on Clark pond in the town of Canaan. (Downing of Graf. 11 - To Resources, Recreation and Development)  
179, study 484, 863
  
- HB 540, requiring certain licensees and permittees to install breathalyzers. (Hennessey of Str. 6; Belhumeur of Str. 6 - To Regulated Revenues)  
179, study 433, 863
  
- HB 541, relative to a capital improvements plan. (Walter of Graf. 13 - To Public Works)  
179, K 542
  
- HB 542, relative to spraying on power lines. (Heath of Car. 4 - To Environment and Agriculture)  
179, K 421
  
- HB 543-FN, relative to expending fines and forfeitures collected for fish and game violations on certain rewards. (Heath of Car. 4 - To Fish and Game)  
179, study 422, 863



- HB 544, removing the retirement system board of trustees from selecting and administering group life and health coverage for state employees. (Burkush of Hil. 36; Zajdel of Hil. 33 - To Executive Departments and Administration)  
179, study 421, 863
- HB 545, relative to party committees. (Belhumeur of Str. 6 - To Statutory Revision)  
179, psd 488, 507, S study 727, 863
- HB 546-FN, increasing the uncontested special session fee for probate judges. (Spirou of Hil. 31; Demers of Str. 9 - To Judiciary)  
179, psd 472, 507, S conc 727, enr am 820, enr 830 (Chapter 451)
- HB 547, providing a method for the recall of certain elected officials. (Flanagan of Rock. 8; Mace of Rock. 21 - To Statutory Revision)  
179, study 499, 863
- HB 548, relative to annulment of records of conviction and sentence for certain offenders. (Lane of Ches. 15 - To Judiciary)  
179, am 534-535, psd 608, S study 688, 863
- HB 549-FN, transferring ownership of certain state-owned dams to the water resources board. (Lamprey of Bel. 1 et al - To Resources, Recreation and Development)  
179, study 485, 863
- HB 550-FN, relative to apportionment, assessment and abatement of taxes. (King of Rock. 4 - To Municipal and County Government)  
179, am 475-476, psd 507, S conc 658, enr am 820-821, enr 830 (Chapter 440)
- HB 551-FN, relative to the catastrophic illness program and making an appropriation therefor. (Copenhaver of Graf. 12; Craig of Hil. 3 - To Ways and Means)  
New title: relative to the catastrophic illness program and making an appropriation therefor and increasing the cigarette tax.  
179, am & Approp 543-544, am 750, psd 759 (K)
- HB 552, making ballots defective for having distinguishing marks. (Dickinson of Car. 2 et al - To Statutory Revision)  
179, K 488
- HB 553, relative to home rule for siting low level radioactive waste facilities. (Keenan of Rock. 14 et al - To Environment and Agriculture)  
179, K (RC) 563-564
- HB 554, relative to cutting timber near certain waters and public highways. (Blair of Graf. 8 - To Environment and Agriculture)  
179, K 470-471
- HB 555, requiring deeds or other conveyances of property to include the tax map and parcel number of the property. (Perry of Ches. 10 - To Municipal and County Government)  
179, am 476, psd 507, S nonconc 673
- HB 556, relative to prohibitions that take effect after a declaration of candidacy or a declaration of intent. (Flanagan of Rock. 8; Sen. Boyer - To Statutory Revision)  
179, psd 488, 507, nonconc S am, conf 757, 766 (IP)
- HB 557, relative to recount procedures. (Flanagan of Rock. 8 - To Statutory Revision)  
179, am 488, psd 507, S conc 661, enr 758 (Chapter 175)
- HB 558, relative to overseas voters. (Flanagan of Rock. 8 - To Statutory Revision)  
179, am 488-489, psd 507, S conc 673, enr 758 (Chapter 176)

- HB 559, prohibiting experiments on live animals in school grades kindergarten through 12. (Trombly of Mer. 4 - To Education)  
179, K 445
  
- HB 560-FN, relative to the restructuring of the state mental health system, and making an appropriation therefor. (Vartanian of Rock. 20 et al - To State Institutions)  
New title: restructuring the state mental health system and making an appropriation therefor and relative to a study committee for the purchase of certain products.  
179, rule 58 suspended 413, am & Approp 463-464, am 629, psd 634, conc S am 764, enr am 780, enr 829, appointments 863-864 (Chapter 407)
  
- HB 561, prohibiting municipalities by zoning ordinance from regulating the antenna or structure supporting the antenna of a federally licensed radio amateur. (Clark of Ches. 3 - To Municipal and County Government)  
179, K 476
  
- HB 562, relative to dental examinations of dead bodies not identifiable by other means. (Clark of Ches. 3 - To Judiciary)  
179, am 472, psd 507, S conc 636, enr 659 (Chapter 98)
  
- HB 563, providing that tax arrears shall appear on the property tax bills. (Ahrens of Hil. 13 - To Municipal and County Government)  
180, K 476
  
- HB 564, requiring runoff elections in primaries when no one candidate for the office of governor, councilor, United States senator, or United States representative receives a majority of the vote. (Ahrens of Hil. 13 - To Statutory Revision)  
180, K 489
  
- HB 565-FN, changing the name of the department of health and welfare to the department of health and human services. (Ward of Graf. 1 et al - To Executive Departments and Administration)  
180, am 520-521, psd 607, conc S am 770, enr 828 (Chapter 291)
  
- HB 566, recodifying the controlled drug laws. (Sytek of Rock. 20 - To Judiciary)  
180, am 535-536, psd 608, S conc 687, enr am 780-781, enr 828 (Chapter 292)
  
- HB 567, relative to service station dealers. (Nute of Hil. 13 et al - To Commerce, Housing and Consumer Affairs)  
180, am 491, psd 508, conc S am 728, enr am 821, enr 830 (Chapter 456)
  
- HB 568, establishing an advisory committee on long-term care. (Townsend of Sul. 1; Copenhaver of Graf. 12 - To Health and Welfare)  
180, removed from consent calendar 413, am 464, psd 466, S conc 657, enr 671, appointments 864 (Chapter 134)
  
- HB 569, to permit waivers to certain students to serve alcoholic beverages as an incidental function of their vocational training. (Kozacka of Rock. 13 - To Regulated Revenues)  
180, K 433
  
- HB 570-FN, authorizing county conventions to set minimum and maximum pay scales for certain county officials. (Gage of Rock. 20 et al - To Municipal and County Government)  
180, K 476
  
- HB 571-FN, prohibiting state funding of abortions. (Locke of Bel. 6 - To Health and Welfare)  
180, K 471
  
- HB 572-FN, creating a uniform interest rate penalty for the late filing of tax returns. (Peters of Hil. 11; Scamman of Rock. 19 - To Ways and Means)

New title: creating a uniform interest rate penalty for the late filing of tax returns, and amending exceptions to the penalty for the underpayment of estimated tax.  
180, am 616-619, psd 624, S conc 673, enr am 821, enr 830 (Chapter 441)

- HB 573, relative to the exclusion or modification of warranties for consumer goods or services. (Guay of Coos 7 - To Commerce, Housing and Consumer Affairs)  
180, am 416-417, psd 466, S conc 673, enr 773 (Chapter 573)
- HB 574, relative to an underground utility damage prevention system. (Quimby of Rock. 7 - To Commerce, Housing and Consumer Affairs)  
180, am 417, psd 466, S conc 687, enr 783 (Chapter 294)
- HB 575, withdrawing home office protection under the branch banking law from banks which are affiliates of bank holding companies. (Whittemore of Mer. 10 et al - To Commerce, Housing and Consumer Affairs)  
New title: withdrawing home office protection under the branch banking law from banks which are affiliates of bank holding companies and relative to the language available for inclusion in savings bank names.  
180, am 510-511, psd 607, conc S am 764, enr am 821, enr 830 (Chapter 442)
- HB 576, relative to bottle bill legislation. (Palumbo of Rock. 10 et al - To Statutory Revision)  
180, K 499
- HB 577, relative to the membership of the administrative committee of the district and municipal courts. (Gage of Rock. 13 - To Judiciary)  
180, K 472
- HB 578, creating a joint legislative committee to study the feasibility of merging all unincorporated places with abutting towns. (Guay of Coos 7 - To Municipal and County Government)  
180, psd 476, 507, conc S am 689, enr 829, appointments 864 (Chapter 295)
- HB 579, relative to the impact of computerizing state agencies. (Palumbo of Rock. 10 - To Legislative Administration)  
180, com changed 404, am 521, psd 607, S conc 727, enr 827 (Chapter 296)
- HB 580, making it a crime to make a false statement about a candidate. (Sytek of Rock. 20 - To Statutory Revision)  
180, K 489
- HB 581, to amend the reckless driving statute. (Nelson of Hil. 28 - To Transportation)  
180, K 490
- HB 582, eliminating eminent domain sections of the highway laws that conflict with RSA 498-A and amending RSA 498-A the eminent domain procedures act. (LaBranche of Mer. 10 - To Public Works)  
180, am 481, psd 507, S conc 661, enr 774 (Chapter 297)
- HB 583, requiring municipalities to have planning boards. (Hraba of Car. 7 - To Municipal and County Government)  
180, K 431
- HB 584, permitting towns without zoning to establish village districts with zoning. (Hraba of Car. 7 - Municipal and County Government)  
180, psd 476, 507, S study 673, 864
- HB 585-FN, permitting the labor commissioner to assess civil penalties. (Skinner of Rock. 21 - To Labor, Human Resources and Rehabilitation)  
New title: permitting the labor commissioner to assess civil penalties and creating a process for appeals.  
180, psd 538, 608, conc S am 764, enr 829 (Chapter 389)

- HB 586, authorizing additional state and local officials to apply for and receive administrative inspection warrants. (Mercier of Mer. 10; LaBranche of Mer. 10 - To Judiciary)  
180, K 536
  
- HB 587, making "New Hampshire Naturally" an honorary state song and making the white tail deer the state animal. (Grassie of Str. 11 et al - To Statutory Revision)  
180, psd 489, 508, S conc 673, enr 773 (Chapter 190)
  
- HB 588-FN, allowing employees to receive privately financed layoff benefits without a reduction in their unemployment compensation benefits. (Baker of Hil. 19 - To Labor, Human Resources and Rehabilitation)  
180, K 574
  
- HB 589, requiring declarations of candidacy for candidates for the office of president and vice-president. (Paradis of Hil. 6 - To Statutory Revision)  
180, psd 489, 508, conc S am 689, enr 829 (Chapter 298)
  
- HB 590, requiring notification of procedures for the emergency withdrawal of accumulated contributions from the retirement system. (Ahern of Hil. 25 - To Executive Departments and Administration)  
180, K 521
  
- HB 591, clarifying the status of tax warrants in semi-annual billing and relative to tax records. (Lawrence of Hil. 19 - To Municipal and County Government)  
180, psd 476, 507, S conc 658, enr 671 (Chapter 157)
  
- HB 592, requiring proof of financial responsibility before a driver's license may be issued and increasing the minimum required coverage. (Lawrence of Hil. 19 - To Transportation)  
180, K 439
  
- HB 593, to allow taxes to be assessed to the current owner of property if it has changed hands after April 1. (Lawrence of Hil. 19 - To Municipal and County Government)  
180, psd 476, 507, S conc 658, enr 671 (Chapter 158)
  
- HB 594, requiring tax collectors to mail tax notices to delinquents 30 or fewer days prior to posting the tax sale. (Lawrence of Hil. 19 - To Municipal and County Government)  
New title: requiring tax collectors to mail tax notices to delinquents 30 or fewer days prior to posting the tax sale and to mail notice of deeding at least 30 days prior to executing a tax collector's deed.  
181, psd 476, 507, conc S am 658, enr 671 (Chapter 135)
  
- HB 595-FN, extending the period of time the public utilities commission may suspend a rate schedule under certain circumstances. (Lynde of Hil. 20 - To Commerce, Housing and Consumer Affairs)  
181, am 417, psd 466, S conc 645, enr 660 (Chapter 99)
  
- HB 596-FN, relative to protection of towns, cities and counties from retroactive state billings. (Cronin of Hil. 33 - To Health and Welfare)  
181, am 494, psd 508, S nonconc 658
  
- HB 597, relative to coordination of permits and approvals issued by the department of public works and highways and municipal planning boards. (L. Smith of Hil. 19 - To Public Works)  
181, K 481
  
- HB 598, relative to the establishment of a state park on state-owned land in the city of Laconia in honor of all former governors of the state. (Dexter of Bel. 8 et al - To State Institutions)  
181, psd 543, 608, S conc 687, enr 782 (Chapter 299)

- HB 599-FN, modifying the definition of "most recent employer."  
(Kane of Rock. 13 - To Labor, Human Resources and Rehabilitation)  
181, psd 538-539, 608, S conc 688, enr 782 (Chapter 300)
- HB 600, requiring purchasers of valuable, secondhand household  
items to hold them for 10 days before resale. (Kane of Rock. 13  
- To Commerce, Housing and Consumer Affairs)  
181, K 417
- HB 601-FN, relative to assaults by prisoners and to confiscation of  
certain property. (Matson of Ches. 7 - To Judiciary)  
181, study 536, 864
- HB 602-FN, relative to driving while intoxicated. (Locke of Bel. 6  
- To Judiciary)  
181, removed from consent calendar 468, K 499
- HB 603, relative to open primaries. (Jacobson of Mer. 2 - To  
Statutory Revision)  
181, removed from consent calendar 468, K 500
- HB 604, relative to cable television franchises. (Kaklamanos of  
Hil. 26 et al - To Commerce, Housing and Consumer Affairs)  
181, study 511, 864
- HB 605-FN, relative to interference with custody. (Trombly of Mer.  
4 - To Health and Welfare)  
181, am 426, psd 466, nonconc S am, conf 764, 769, rep adop 783,  
enr 829 (Chapter 390)
- HB 606-FN, to increase the standard workweek and salary for welfare  
fraud investigators and the chief of investigations. (Joslyn of  
Rock. 20 - To Health and Welfare)  
181, K 426
- HB 607-FN, to provide for recovery of money obtained through  
welfare fraud or abuse. (Joslyn of Rock. 20 - To Health and  
Welfare)  
New title: to provide for recovery of money obtained through  
welfare fraud or abuse and to legalize the Winchester school  
district meeting.  
181, psd 426-427, 466, conc S am 728, enr 829 (Chapter 301)
- HB 608, providing for financial disclosure by applicants for and  
recipients of public assistance. (Craig of Hil. 3 - To Health  
and Welfare)  
181, psd 427, 466, S conc 657, enr 685 (Chapter 136)
- HB 609-FN, relative to tax exempt property. (Cate of Mer. 13 - To  
Municipal and County Government)  
181, K 476
- HB 610-FN, establishing a property tax exemption for persons with  
children attending non-public schools. (Locke of Bel. 6 - To  
Municipal and County Government)  
181, K 431
- HB 611-FN, relative to regulation of spraying residential  
neighborhoods with hazardous pesticides. (Head of Hil. 9 - To  
Environment and Agriculture)  
181, am 519, psd 607, S conc 687, enr 828 (Chapter 302)
- HB 612-FN, authorizing the retirement system board of trustees to  
collect delinquent account penalties through small claims or  
superior court. (Pevear of Rock. 17 - To Executive Departments  
and Administration)  
181, K 521
- HB 613-FN, increasing the rate of the delinquent account penalty  
which is assessed by the retirement system board of trustees.  
(Pevear of Rock. 17 - To Executive Departments and  
Administration)  
181, am 521, psd 607, S conc 687, enr 774 (Chapter 303)



- HB 614, to prohibit blind bidding on motion pictures. (York of Coos 8 - To Commerce, Housing and Consumer Affairs)  
181, removed from consent calendar 468, study 499, 864
- HB 615-FN, permitting benefit payment deductions for group carriers other than Blue Cross. (Walker of Rock. 17 - To Executive Departments and Administration)  
New title: permitting benefit payment deductions for group carriers other than Blue Cross and relative to the payment of actuarial fees.  
181, am 521-522, psd 607, S conc 687, enr 774 (Chapter 304)
- HB 616-FN, relative to the payment of actuarial fees by certain employers. (Hollingworth of Rock. 17 - To Executive Departments and Administration)  
181, K 522
- HB 617-FN, relative to employee benefits after his employer's withdrawal from the retirement system. (Hollingworth of Rock. 17 - To Executive Departments and Administration)  
181, psd 522, 607, S conc 687, enr am 821-822, enr 830 (Chapter 443)
- HB 618-FN, requiring binding arbitration in resolving labor disputes involving police and fire employees of certain cities. (Burkush of Hil. 36 et al - To Labor, Human Resources and Rehabilitation)  
181, psd 574, 608, S conc 727, enr 827, veto sustained (RC)  
849-851
- HB 619-FN, authorizing collection of certain outstanding charges through the tax collection process. (Gross of Mer. 15 et al - To Municipal and County Government)  
181, K 476-477
- HB 620, giving the state the right of first refusal on rail properties offered for sale within the state. (Sloan of Rock. 6 - To Public Works)  
181, am 481, psd 507, S conc 636, enr 659 (Chapter 100)
- HB 621, limiting library commissioners to 2 terms. (Skinner of Rock. 21 - To State Institutions)  
New title: limiting library commissioners to 2 consecutive terms.  
181, am 543, psd 608, conc S am 689, enr 828 (Chapter 305)
- HB 622, relative to disorderly conduct. (Cate of Mer. 13 - To Public Protection and Veterans' Affairs)  
181, psd 432, 466, S conc 674, enr 773 (Chapter 200)
- HB 623, permitting voting as an independent in a state primary election. (Sloan of Rock. 6 - To Statutory Revision)  
181, K 489
- HB 624, relative to informed consent. (Hollingworth of Rock. 17; Girourard of Graf. 13 - To Health and Welfare)  
181, K (RC) 448-449
- HB 625-FN, relative to increasing the license fees for the transport of petroleum products into the state. (LaMott of Graf. Dist. 5 - To Resources, Recreation and Development)  
181, psd 437, 467, S conc 673, enr 773 (Chapter 306)
- HB 626-FN, permitting deductions for qualified charitable and research contributions from the business profits tax. (Ahrens of Hil. 13; Taffe of Graf. 6 - To Ways and Means)  
181-182, psd 619, 624, nonconc S am, conf 674-675, 689, rep adop 780, enr am 822, enr 830 (Chapter 444)
- HB 627, relative to registering civil aircraft. (Labombarde of Hil. 22 - To Transportation)  
182, am 439, psd 467, S conc 637, enr 659 (Chapter 116)

- HB 628, increasing certain insurance coverage required for operating an aircraft. (Labombarde of Hil. 22 - To Commerce, Housing and Consumer Affairs)  
182, am 417-418, psd 466, S conc 674, enr 774 (Chapter 224)
- HB 629, relative to habitual offenders. (Gordon of Ches. 5 - To Transportation)  
182, study 439, 864
- HB 630, relative to changes in the construction clause of the law against discrimination. (Hollingworth of Rock. 17 et al - To Judiciary)  
New title: relative to changes in the construction clause of the law against discrimination and relative to the computation of back pay in cases of discrimination.  
182, am 536, psd 608, conc S am 760, enr am 822, enr 830 (Chapter 445)
- HB 631, permitting a rural electrification cooperative association to organize and control electric cooperative associations. (Sackett of Str. 4 - To Commerce, Housing and Consumer Affairs)  
182, K 511
- HB 632, to make public the tax rate for cities and towns by October 25 of each year. (Locke of Bel. 6 - To Ways and Means)  
182, K 619
- HB 633-FN, relative to benefits for part-time state employees. (Abrams of Hil. 6 - To Executive Departments and Administration)  
182, study 522, 864
- HB 634-FN, relative to straight chiropractic. (Downing of Graf. 11 et al - To Executive Departments and Administration)  
New title: relative to the practice of chiropractic.  
182, removed from consent calendar 510, am (RC) 582-583, psd 607, S nonconc 688
- HB 635-FN, amending the sunset process. (Ramsey of Hil. 35; Miller of Ches. 1 - To Legislative Administration)  
182, K 542
- HB 636-FN, relative to internal investigation files on law enforcement officers. (Sullivan of Mer. 15 - To Public Protection and Veterans' Affairs)  
182, removed from consent calendar 413, psd 465, 466, S nonconc 688
- HB 637-FN, making written policy directives to police officers inadmissible in certain civil actions. (Sullivan of Mer. 15 - To Public Protection and Veterans' Affairs)  
182, psd 465, 466, S nonconc 688
- HB 638-FN, providing a graduated series of penalties for failure to honor a subpoena in a civil or criminal case. (Cate of Mer. 13 - To Judiciary)  
New title: increasing the penalty for failing to obey a summons.  
182, am 536, psd 608, S conc 674, enr 773 (Chapter 225)
- HB 639-FN, relative to warranties in consumer sales. (Ware of Hil. 18 - To Commerce, Housing and Consumer Affairs)  
182, study 418, 864
- HB 640-FN, to establish a driving while intoxicated task force office. (Lussier of Str. 8 - To Judiciary)  
215, K 536
- HB 641-FN, requiring the state of New Hampshire to pay interest on all bills and obligations of the state paid more than 45 days after payment was due. (Burns of Coos 5; Grip of Hil. 7 - To Appropriations)  
215, K 615

- HB 642-FN, relative to the appointment of guardians for persons admitted for in-patient treatment on an involuntary basis. (Harnish of Graf. 7; Kinhan of Mer. 13 - To Judiciary)  
215, am 536, psd 608, S conc 688, enr 782 (Chapter 307)
  
- HB 643-FN, relative to fees, definitions and enforcement procedures relative to hazardous waste. (Copenhaver of Graf. 12; Wight of Hil. 9 - To Environment and Agriculture)  
215, am 547-549, psd 608, S conc 645, enr am 658, enr 671 (Chapter 137)
  
- HB 644-FN, relative to driving while intoxicated. (Dickinson of Car. 2 - To Judiciary)  
215, K 472
  
- HB 645-FN, relative to certificates of need. (Copenhaver of Graf. 12 et al - To Health and Welfare)  
215, am 549-551, psd 608, conc S am 689, enr 829 (Chapter 391)
  
- HB 646-FN, establishing a department of transportation. (Abrams of Hil. 6 - To Executive Departments and Administration)  
215, removed from consent calendar 510, am & Approp 583-588, com changed 662, am 707-711, psd 726, S nonconc intro 769
  
- HB 647, relative to the Gunstock area commission. (Dionne of Bel. 10 et al - To Municipal and County Government)  
215, K 477
  
- HB 648-FN, relative to smoke detectors in rental units. (Malcolm of Rock. 17; Walker of Rock. 17 - To Public Protection and Veterans' Affairs)  
215, am 479, psd 507, nonconc S am, conf 674, 689, rep adop 780, enr am 822, enr 830 (Chapter 446)
  
- HB 649-FN, relative to redemption after a tax sale. (Phelps of Mer. 1 - To Municipal and County Government)  
215, K 431
  
- HB 650-FN, relative to court procedures and the select commission to examine a unified court system. (Sytek of Rock. 20 - To Judiciary)  
New title: relative to court procedures, the select commission to examine a unified court system, Hillsborough county court facilities, judicial service increments, and an additional probate judge.  
Second new title: relative to court procedures, the select commission to examine a unified court system, Hillsborough county court facilities and nonjudicial employee retirement.  
215, am 551-553, psd 608, nonconc S am, conf 765, 770, 775, rep adop 783, enr am 822-823, 833, enr 834, appointments 864-865 (Chapter 382)
  
- HB 651-FN, relative to repayment of counsel expenses by indigent defendants. (Sytek of Rock. 20 - To Judiciary)  
215, psd 536-537, 608, S conc 674, enr 773 (Chapter 201)
  
- HB 652, requiring candidates to report all advertising and mailing expenses during the candidacy period. (Jacobson of Mer. 2 - To Statutory Revision)  
215, removed from consent calendar 468, K 501
  
- HB 653-FN, relative to property tax exemptions for senior citizens. (Ahrens of Hil. 13 - To Municipal and County Government)  
215, K 477
  
- HB 654-FN, establishing a state fair authority. (Blaisdell of Rock. 13 - To Executive Departments and Administration)  
215, K 522
  
- HB 655-FN, relative to beano at campgrounds and beano for children. (Blaisdell of Rock. 13 - To Regulated Revenues)  
New title: relative to beano at campgrounds and hotels and beano for children.  
215, am 542-543, psd 608, conc S am 760, enr 774 (Chapter 188)

- HB 656-FN, establishing a controlled substances board and making an appropriation therefor. (Sytek of Rock. 20 et al - To Executive Departments and Administration)  
215, am & Approp 522-526, study 750, 865
- HB 657, relative to the administrative procedures act. (Chardon of Coos 6 et al - To Executive Departments and Administration)  
215, am 526, psd 607, S conc 688, enr am 823, enr 830 (Chapter 455)
- HB 658, relative to special education for certain minors and children. (Taffe of Graf. 6 - To Education)  
215, am 517-519, psd 607, conc S am 728, enr am 823, enr 830 (Chapter 458)
- HB 659-FN, relative to occupational and professional regulation. (Townsend of Sul. 1 et al - To Executive Departments and Administration)  
215, am & Approp 526, removed from consent calendar 736, am (RC) 753-756, psd 758 (K)
- HB 660-FN, relative to capital punishment. (Locke of Bel. 6 - To Judiciary)  
215, removed from consent calendar 468, K 499-500
- HB 661-FN, relative to aestheticians licensing. (Charbonneau of Hil. 21 - To Executive Departments and Administration)  
215, K 526
- HB 662-FN, relative to the license fees and qualifications for barbers and cosmetologists. (Charbonneau of Hil. 21 - To Executive Departments and Administration)  
215, K 526
- HB 663, relative to barber and cosmetologist continuing education requirements for license renewal. (Charbonneau of Hil. 21 - To Executive Departments and Administration)  
216, K 526
- HB 664, relative to contiguous nonconforming lots. (Pannel of Mer. 6; Phelps of Mer. 1 - To Municipal and County Government)  
216, psd 477, 507, S nonconc 673
- HB 665, updating and amending the uniform laws on interstate and intrastate fresh pursuit. (J. Flanders of Rock. 10; Eaton of Ches. 4 - To Transportation)  
216, K 439
- HB 666-FN, relative to district court financing by district court districts. (Cate of Mer. 13 - To Judiciary)  
216, K 537
- HB 667, relative to the admissibility of refusal to take the chemical test for blood alcohol content. (Knight of Hil. 6 et al - To Judiciary)  
216, K 537
- HB 668, making blood alcohol tests of person arrested for driving while intoxicated inadmissible if administered by the arresting officer. (Kennedy of Ches. 17 - To Judiciary)  
216, K 472
- HB 669-FN, allowing persons arrested for driving while intoxicated to choose among taking a blood, urine or breath test. (Kennedy of Ches. 17 - To Judiciary)  
216, K 472
- HB 670, permitting suits against administrators under certain conditions. (Kennedy of Ches. 17 - To Judiciary)  
216, K 473
- HB 671, increasing the time within which a personal injury action may be brought against an estate. (Kennedy of Ches. 17 - To Judiciary)

New title: increasing the time within which a wrongful death action may be brought by an administrator.  
216, am 495, psd 508, S conc 661, enr 758 (Chapter 177)

- HB 672, relative to actions allowed against insolvent estates. (Kennedy of Ches. 17 - To Judiciary)  
216, am 473, psd 507, S conc 661, enr 758 (Chapter 178)
  
- HB 673-FN, amending the workmen's compensation laws relative to scheduled permanent impairment awards. (Kennedy of Ches. 17 - To Labor, Human Resources and Rehabilitation)  
216, K 496
  
- HB 674-FN, relative to a uniform business tax. (Scamman of Rock. 19 - To Ways and Means)  
New title: increasing the tax rate imposed under the business profits tax.  
Second new title: increasing the tax rate imposed under the business profits tax and making appropriations for certain purposes.  
Third new title: relative to membership of the advisory budget control committee.  
216, S Ct opin req (HR 34) 506, S Ct opin req (HR 36) 641-642, opin printed 729-734, am (RC) 734-736, psd 759, conc S am (RC) 843-844, enr 848 (Chapter 470)
  
- HB 675-FN, relative to the licensing and regulation of youth camps. (Ahlgren of Hil. 32 - To Health and Welfare)  
216, K 427
  
- HB 676-FN, relative to sovereign immunity and the defense and indemnification of state employees. (Scamman of Rock. 19 - To Judiciary)  
216, study 553, 865
  
- HB 677-FN, to require a mandatory sentence for robbery in certain circumstances. (Hawkins of Bel. 5 - To Judiciary)  
216, K 473
  
- HB 678, permitting the issuance of oral search warrants. (Hawkins of Bel. 5 - To Judiciary)  
216, K 473
  
- HB 679, relative to the interception of oral and wire communications. (Hawkins of Bel. 5 - To Judiciary)  
216, K 473
  
- HB 680-FN, relative to the manufacture, sale and possession of dangerous weapons. (Hawkins of Bel. 5 - To Judiciary)  
216, K 473
  
- HB 681-FN, relative to the time of payment of certain wages. (Hawkins of Bel. 5 - To Labor, Human Resources and Rehabilitation)  
216, psd 429, 466, S conc 674, enr 773 (Chapter 364)
  
- HB 682, requiring certification by the state fire marshal of certain firefighting units. (Demers of Str. 9 - To Public Protection and Veterans' Affairs)  
216, am 479-480, psd 507, S conc 645, enr 660 (Chapter 101)
  
- HB 683-FN, relative to disorderly and reckless operation of motor vehicles. (Perkins of Ches. 9; Eaton of Ches. 4 - To Transportation)  
216, K 439
  
- HB 684-FN, relative to responsibility for the payment of accrued liability by political subdivisions and certain specialized schools which withdraw from the retirement system. (Kozacka of Rock. 13 - To Executive Departments and Administration)  
216, psd 526-527, 607, S conc 687, enr 829 (Chapter 308)
  
- HB 685-FN, updating statutes relative to tax exemptions. (Perry of Ches. 10; King of Rock. 4 - To Municipal and County Government)  
216, K 477



- HB 686-FN, requiring suspension of the driver's license of any resident who fails to appear or pay a fine in connection with a violation of the motor vehicle laws. (Perkins of Ches. 9; Eaton of Ches. 4 - To Transportation)  
216, K 439
- HB 687-FN, requiring any person filing a suit which delays the construction of a state highway or energy facility to post a bond. (Guay of Coos 7 et al - To Public Works)  
216, study 481, 865
- HB 688, making electronic banking available to credit unions. (Lamy of Hil. 37 et al - To Commerce, Housing and Consumer Affairs)  
216, psd 511, 607, S conc 674, enr 763 (Chapter 192)
- HB 689-FN, relative to the regulation of auctioneers. (Allgeyer of Mer. 7 et al - To Executive Departments and Administration)  
216, removed from consent calendar 510, study 588, 865
- HB 690, requiring that churches be billed for electricity at residential rates. (Smith of Mer. 16 - To Commerce, Housing and Consumer Affairs)  
216, removed from consent calendar 510, K 580-581
- HB 691-FN, providing for the calling of a constitutional convention and making an appropriation therefor. (Eaton of Hil. 1; Chase of Car. 6 - To Constitutional Revision)  
New title: providing for the calling of a constitutional convention.  
Second new title: providing for the calling of a constitutional convention and for a task force to study the state constitution and making an appropriation therefor.  
216, am & Approp 491, am 701-702, psd 726 (K)
- HB 692-FN, requiring the water supply and pollution control commission to charge such amounts for certain inspections to enable such functions to be self supporting. (Jacobson of Mer. 2 - To Resources, Recreation and Development)  
216, K 485
- HB 693-FN, relative to returning retirement system members' accumulated contributions. (Belhumeur of Str. 6 - To Executive Departments and Administration)  
216, am 527, psd 607, S conc 687, enr 773 (Chapter 309)
- HB 694, relative to the receipt of stolen property. (Kennedy of Ches. 17 - To Judiciary)  
216, K 473
- HB 695-FN, relative to withdrawal and fringe benefits for certain unclassified state employees under the retirement system. (Belhumeur of Str. 6 - To Executive Departments and Administration)  
New title: relative to withdrawal and fringe benefits for certain unclassified state employees under the retirement system and reducing the normal contribution rate to the retirement system which certain employers must pay.  
216, am 527, psd 607-608, nonconc S am, conf 770, 774 (IP)
- HB 696-FN, amending the workmen's compensation laws to update language and rectify other matters. (Skinner of Rock. 21 - To Labor, Human Resources and Rehabilitation)  
216, psd 574-575, 608, S conc 727, enr 829 (Chapter 392)
- HB 697-FN, relative to emergency interim successors under the emergency interim succession act. (Belhumeur of Str. 6 - To Statutory Revision)  
217, psd 489, 508, S conc 661, enr 758 (Chapter 179)
- HB 698-FN, relative to fireworks. (Mercier of Mer. 10; LaBranche of Mer. 10 - To Public Protection and Veterans' Affairs)  
217, K 497

- HB 699-FN, reducing the normal contribution rate to the New Hampshire retirement system which certain employers must pay. (Walker of Rock. 17 - To Executive Departments and Administration)  
217, K 527
  
- HB 700-FN, relative to the Manchester retirement system. (Healy of Hil. 30 - To Municipal and County Government)  
217, K 477
  
- HB 701-FN, eliminating the requirement that the secretary of state send copies of RSA 664 relative to political expenditures and contributions to candidates in primary and general elections. (Paradis of Hil. 6 - To Statutory Revision)  
217, K 489
  
- HB 702-FN, providing for the licensing of transporters of hazardous materials and wastes and defining the penalty structure and rulemaking process for hazardous materials or wastes transportation. (Wight of Hil. 9 - To Environment and Agriculture)  
New title: providing for the licensing of transporters of hazardous materials and wastes and defining the penalty structure and rulemaking process for hazardous materials or wastes transportation and authorizing the issuance of notes by the Lamprey regional solid waste cooperative.  
217, am & Approp 519, am 638, psd 644, nonconc S am, conf 757, 766, rep adop 780, enr 829 (Chapter 393)
  
- HB 703-FN, requiring the cost of medical and health insurance coverage for certain retired permanent policemen to be provided by the state retirement system. (Healy of Hil. 33; Cronin of Hil. 33 - To Executive Departments and Administration)  
New title: requiring the cost of medical and health insurance coverage for certain retired permanent policemen to be provided by the state retirement system, and continuing the study of the state becoming a self-insurer in health insurance through June 30, 1984.  
217, Approp 527-528, am 741, psd 759 (K)
  
- HB 704-FN, relative to public hearings on change of size of board of selectmen. (Blanchette of Rock. 12 - To Municipal and County Government)  
217, psd 477, 507, S conc 661, enr 758 (Chapter 180)
  
- HB 705-FN, providing optional allowances for the beneficiary of a deceased retirement system member. (Blanchette of Rock. 12 - To Municipal and County Government)  
217, psd 477, 507, S conc 674, enr 774 (Chapter 310)
  
- HB 706-FN, relative to the awarding of fees and other expenses in civil actions involving state agencies. (Burns of Coos 5; Grip of Hil. 7 - To Judiciary)  
217, psd 553, 608, S nonconc 673
  
- HB 707-FN, relative to the employer's contribution rate under the New Hampshire retirement system for group II members. (Holbrook of Bel. 13 et al - To Executive Departments and Administration)  
New title: relative to the employer's contribution rate under the New Hampshire retirement system for group II members and setting up a special account for earnings of the retirement system.  
217, am & Approp 528, psd 741, 759 (K)
  
- HB 708-FN, relative to parking in the city of Concord. (Eaton of Ches. 4; Dickinson of Car. 2 - To Municipal and County Government)  
217, K 477
  
- HB 709, requiring municipalities to allow cluster zoning. (Vecchione of Rock. 23 - To Municipal and County Government)  
217, K 477

- HB 710, prohibiting municipalities from imposing certain restrictions on subdivision developments. (Vecchione of Rock. 23 - To Municipal and County Government)  
217, K 477
- HB 711-FN, permitting a municipality to establish a reserve for fiscal year change cost. (Lawrence of Hil. 19 - To Municipal and County Government)  
217, K 477
- HB 712-FN, to eliminate the right to appeal for a trial de novo upon conviction of certain violations. (Schreiber of Str. 4 - To Judiciary)  
217, K 537
- HB 713, to prohibit the possession of short-barrel shotguns, silencers, and teflon-coated, armor-piercing and exploding bullets. (Flanders of Rock. 10 et al - To Public Protection and Veterans' Affairs)  
New title: relative to the felonious use of teflon-coated, armor-piercing and exploding bullets.  
217, am 480, psd 507, S conc 688, enr 782 (Chapter 311)
- HB 714-FN, relative to provision of legal liability information by parents of certain minors. (Ahlgren of Hil. 32 - To Health and Welfare)  
217, am 427, psd 466, S nonconc 658
- HB 715-FN, to require the department of revenue administration to obtain a court order before distraining the contents of a safe deposit box. (Spirou of Hil. 31; Demers of Str. 9 - To Judiciary)  
New title: relative to the distraint of the contents of safe deposit boxes.  
217, am 537, psd 608, S conc 674, enr 773 (Chapter 312)
- HB 716-FN, to increase the size of the current use advisory board. (Campbell of Rock. 20 - To Environment and Agriculture)  
217, K 421
- HB 717-FN, relative to a fee for subdivisions of land. (Pannell of Mer. 6 - To Municipal and County Government)  
217, K 477
- HB 718-FN, relative to information required on birth, marriage, and death certificates. (Dickinson of Car. 2 et al - Executive Departments and Administration)  
217, K 528
- HB 719-FN, requiring the board of tax and land appeals to tape record hearings and make the tape available to the public. (Jacobson of Mer. 2 - To Ways and Means)  
217, am 619, psd 624, S conc 674, enr 774 (Chapter 313)
- HB 720-FN, relative to adopting the federal numbering system for all watercraft 15 feet and over in length and imposing water use permit fee. (Hawkins of Bel. 5 - To Transportation)  
217, study 490, 865
- HB 721, requiring group health insurers to continue health coverage for divorced or separated spouses of the member. (Katsiaficas of Hil. 28 - To Commerce, Housing and Consumer Affairs)  
New title: requiring group health insurers to continue health coverage for former spouses of members for a certain period of time.  
217, am 511, psd 607, nonconc S am, conf 757, 767 (IP)
- HB 722, relative to the discharge and removal of county employees. (Oleson of Coos 7 - To Municipal and County Government)  
217, K 477
- HB 723-FN, relative to the board of tax and land appeals. (Sylvia of Hil. 1 - To Ways and Means)

- New title: changing statutory references from the board of taxation to the board of tax and land appeals and amending the filing fee which must be paid in appeals to the board of tax and land appeals.  
217, psd 619, 624, conc S am 725, enr 829 (Chapter 394)
- HB 724-FN, relative to retirement salaries for district court justices. (McDonnell of Mer. 16 - To Judiciary)  
217, K 537
- HB 725-FN, relative to limited electrical energy producers. (Smith of Hil. 19 et al - To Science and Technology)  
217, am 498-499, psd 508, conc S am 689, enr 829 (Chapter 395)
- HB 726-FN, relative to juvenile offenders at the youth development center. (Sytek of Rock. 20; Sen. Kelly - To Health and Welfare)  
217, com changed 402, study 543, 865
- HB 727-FN, relative to fees for criminal record checks and for private detectives and security guard services. (Mercier of Mer. 10; LaBranche of Mer. 10 - To Public Protection and Veterans' Affairs)  
217, psd 432, 466, nonconc S am, conf 729, 766, rep adop 780, enr am 823, enr 830 (Chapter 459)
- HB 728-FN, relative to screening for long term care. (Copenhaver of Graf. 12 et al - To Health and Welfare)  
218, am 494-495, psd 508, S nonconc 760, study 865
- HB 729, relative to the naming of children on birth certificates. (Stewart of Graf. 4 et al - To Executive Departments and Administration)  
218, psd 549, 608, S conc 687, enr 783 (Chapter 370)
- HB 730-FN, providing for a joint legislative committee to oversee the sale of Skyhaven airport. (Abrams of Hil. 6; Sen. Allen - To Transportation)  
218, K 439
- HB 731-FN, relative to the disposition of persons found not guilty by reason of insanity. (Newman of Rock. 24 et al - To Judiciary)  
223, study 537, 865
- HB 732-FN, establishing a commission to recodify the criminal laws. (Kaklamanos of Hil. 26 - To Judiciary)  
218, K 537
- HB 733-FN, limiting rafting of boats, regulating distance between stationary boats, and expanding enforcement. (Heath of Car. 4 et al - To Resources, Recreation and Development)  
New title: expanding the law enforcement authority of the director of safety services and allowing the regulation of so-called rafting and offshore anchoring.  
218, removed from consent calendar 510, am 601, psd 608, nonconc S am, conf 757, 767, rep adop 783, enr 829 (Chapter 314)
- HB 734-FN, to require reporting of certain nuclear accidents to state and local authorities. (Hollingworth of Rock. 17 et al - To Science and Technology)  
New title: to require reporting of certain nuclear accidents.  
218, am 485, psd 507, conc S am 761, enr am 823, enr 830 (Chapter 460)
- HB 735-FN, requiring inmates of the state prison to pay for the costs of their incarceration. (Hollingworth of Rock. 17 - To Judiciary)  
218, study 537, 865
- HB 736, relative to absentee voting for school district elections. (Kelley of Hil. 13 - To Statutory Revision)  
218, am 489, psd 508, S conc 645, enr 660 (Chapter 102)
- HB 737, relative to the election of representatives to the general court from the city of Concord. (Gross of Mer. 15 - To Statutory Revision)

New title: relative to the election of representatives to the general court and the election of delegates to state party conventions from the city of Concord.  
218, am 489-490, psd 508, S conc 688, enr 782 (Chapter 317)

- HB 738-FN, permitting the town of Clarksville to expend tax revenues for the plowing of certain private driveways. (King of Coos 1 - To Municipal and County Government)  
218, psd 477, 507, S study 688, 865
- HB 739, relative to the cancellation and refusal to renew insurance policies. (Boucher of Mer. 9 - To Commerce, Housing and Consumer Affairs)  
218, psd 469, 506, conc S am 688, enr 828 (Chapter 396)
- HB 740, relative to the average daily balance method of billing. (Newman of Rock. 24 - To Commerce, Housing and Consumer Affairs)  
218, am 418, psd 466, S conc 674, enr 773, veto SO 835, veto sustained (RC) 840
- HB 741-FN, creating 2 superior court districts within Hillsborough county. (Kaklamanos of Hil. 26 - To Judiciary)  
218, K 537
- HB 742, relative to solar and wind energy and alternative energy sources. (Wight of Hil. 9 et al - To Science and Technology)  
New title: relative to solar energy and alternative energy sources.  
218, am 485-487, psd 507, S study 688, 865
- HB 743-FN, relative to certain retirement pay and unemployment compensation benefits. (Spirou of Hil. 31 et al - Labor, Human Resources and Rehabilitation)  
New title: relative to unemployment compensation benefits.  
218, am 553, psd 608, S conc 727, enr 783 (Chapter 368)
- HB 744-FN, establishing a department of corrections. (Mace of Rock. 21 et al - To Executive Departments and Administration)  
218, removed from consent calendar 510, am 588-597, psd 608, nonconc S am, conf 764, 769, rep adop 793, enr am 823-824, enr 830 (Chapter 461)
- HB 745-FN, amending the business profits tax. (Ahern of Hil. 30 - To Ways and Means)  
New title: amending the business profits tax and transferring certain functions to the department of revenue administration.  
218, am 544-546, psd 608, S conc 674, enr 773 (Chapter 318)
- HB 746, providing local government representation on the New Hampshire retirement system board of trustees. (Barber of Ches. 17 - To Executive Departments and Administration)  
218, K 528
- HB 747, permitting victims or their next of kin to appear and speak at sentencing and parole hearings. (Lyons of Hil. 22 et al - To Judiciary)  
New title: permitting victims or their next of kin to appear and speak at parole hearings and modifying notice of parole hearing requirements.  
218, removed from consent calendar 510, am 597-598, psd 608, S conc 687, enr 773 (Chapter 319)
- HB 748-FN, increasing boat registration fees; providing for the registration of sail boats; transferring the unrefunded gas tax for marine use to safety services and providing a restricted fund for boating safety enforcement. (Bastraw of Bel. 9 - To Transportation)  
218, study 490, 865
- HB 749-FN, relative to the appellate division and appeal tribunal of the department of employment security. (King of Graf. 12 et al - To Labor, Human Resources and Rehabilitation)  
218, am 539, psd 608, S conc 674, enr 763 (Chapter 197)



- HB 750, increasing the penalty for certain types of reckless conduct. (Gage of Rock. 13; Eaton of Ches. 4 - Judiciary) 218, K 537
- HB 751, relative to employee access to personnel files. (Chambers of Graf. 12 - To Labor, Human Resources and Rehabilitation) 218, psd 539, 608, conc S am 689, enr 829 (Chapter 408)
- HB 752-FN, defining full time employment for benefit purposes. (Chambers of Graf. 12 - To Labor, Human Resources and Rehabilitation) 218, study 553, 865
- HB 753, to establish the incorporation of consumer cooperative associations with the state of New Hampshire. (Chambers of Graf. 12; Easton of Graf. 11 - To Commerce, Housing and Consumer Affairs) 218, psd 511, 607, conc S am 725, enr am 824, enr 830 (Chapter 462)
- HB 754, relative to the offices of commissioner and deputy commissioner of safety. (Bolan of Hil. 22 - To Executive Departments and Administration) 218, K 471
- HB 755, relative to county attorneys. (Bolan of Hil. 22; Duprey of Hil. 28 - To Municipal and County Government) 218, am 478, psd 507, S nonconc 688
- HB 756, relative to administrative inspection warrants. (Bolan of Hil. 22 - To Judiciary) 218, removed from consent calendar 510, am 598-600, psd 608, S study 688, 865
- HB 757, establishing a state fire code. (Bolan of Hil. 22 - To Public Protection and Veterans' Affairs) 218, am 497, psd 508, conc S am 689, enr 829 (Chapter 320)
- HB 758-FN, relative to the representation of indigent defendants. (Bolan of Hil. 22 - To Judiciary) 218, am 537-538, psd 608, S conc 674, enr 773 (Chapter 321)
- HB 759, relative to nonwaiver of the warranties of merchantability and fitness for a particular purpose. (Bolan of Hil. 22 - To Commerce, Housing and Consumer Affairs) 218, K 511
- HB 760, providing for the awarding of expenses, interest and attorneys' fees in certain civil actions. (Bolan of Hil. 22 - To Judiciary) 218, removed from consent calendar 510, K 601
- HB 761, relative to regulation of installment interest rates and general disclosure. (Bolan of Hil. 22 - To Commerce, Housing and Consumer Affairs)  
New title: relative to prepayment of installment sales agreements.  
Second new title: relating to prepayment of consumer credit transactions and adopting the actuarial method for the computation of interest.  
219, am 512-513, psd 607, conc S am 688, enr am 824, enr 830 (Chapter 463)
- HB 762-FN, making reckless conduct and criminal threatening felonies if a deadly weapon is involved. (Mercier of Mer. 10 et al - To Judiciary)  
New title: making criminal threatening a felony if a firearm is involved.  
219, removed from consent calendar 468, am 500, psd 507, nonconc S am, conf 757, 767 (IP)
- HB 763-FN, relative to toxic substances in the workplace. (Baker of Hil. 19 et al - To Labor, Human Resources and Rehabilitation) 219, am 539-540, psd 608, nonconc S am, conf 757, 766, 775, recon, conc S am 796, enr am 824-825, enr 830 (Chapter 466)

- HB 764-FN, relative to municipal and district court nonjudicial personnel. (Holbrook of Bel. 13 - To Judiciary)  
219, K 473
- HB 765-FN, relative to collective bargaining for agricultural workers. (Newman of Rock. 24 - To Labor, Human Resources and Rehabilitation)  
219, K 455
- HB 766-FN, removing the social security offset provision under the New Hampshire retirement system. (Gordon of Ches. 5 - to Executive Departments and Administration)  
219, K 528
- HB 767-FN, relative to disability retirement benefits. (Gordon of Ches. 5 - To Executive Departments and Administration)  
New title: relative to disability retirement benefits, constant lifetime allowances, and notifying predecessor system members of their eligibility to receive retirement system benefits.  
219, am 529, psd 608, S conc 687, enr 773 (Chapter 322)
- HB 768-FN, requiring the real estate commission to distribute a list of the names of persons passing the real estate exam. (Bolan of Hil. 22 - To Executive Departments and Administration)  
219, K 529
- HB 769, establishing a New Hampshire public employee safety act. (Barber of Ches. 17 et al - To Labor, Human Resources and Rehabilitation)  
219, am 540-541, psd 608, S nonconc 688
- HB 770-FN, granting certain municipalities the option of setting their own tax rates. (Lawrence of Hil. 19 - to Municipal and County Government)  
219, am 478, psd 507 (K)
- HB 771, relative to the court facility escrow account. (Schreiber of Str. 4 - To Judiciary)  
219, study 538, 865
- HB 772, relative to the use and possession of body armor. (Flanders of Rock. 10; Eaton of Ches. 4 - To Public Protection and Veterans' Affairs)  
New title: relative to the felonious use of body armor.  
219, am 480, psd 507, S conc 674, enr 763 (Chapter 193)
- HB 773, re-establishing the New Hampshire transportation authority. (Parrish of Mer. 16; McDonnell of Mer. 16 - To Executive Departments and Administration)  
219, K 529
- HB 774, relative to inheritance of children born of unwed parents. (King of Coos 1 - To Judiciary)  
219, am 473, psd 507, S conc 661, enr 758 (Chapter 181)
- HB 775, permitting greyhound kennels at off-track locations. (Kashulines of Hil. 19 - To Regulated Revenues)  
219, K 433
- HB 776, giving dogs from greyhound racing kennels in the state preference at dog races. (Kashulines of Hil. 19 - To Regulated Revenues)  
219, K 433
- HB 777, relative to voter registration. (Spirou of Hil. 31 et al - To Statutory Revision)  
219, study 490, 865
- HB 778, relative to employee benefits in the event of a business closing. (Spirou of Hil. 31 et al - To Labor, Human Resources and Rehabilitation)  
219, study 553, 865

- HB 779-FN, relative to binding arbitration for public employees.  
(Spirou of Hil. 31 et al - To Labor, Human Resources and Rehabilitation)  
219, lacking 2/3 of membership 575, study 676, 865
  
- HB 780-FN, relative to the aeronautics commission. (LaMott of Graf. 5 - To Executive Departments and Administration)  
219, K 529
  
- HB 781-FN, providing group I employee members of the New Hampshire retirement system with full credit for service from July 1, 1977 to June 30, 1979. (Spirou of Hil. 31 - To Executive Departments and Administration)  
New title: relative to service retirement benefits for group I members of the New Hampshire retirement system.  
219, am & Approp 529-530, am 741-742, psd 759 (K)
  
- HB 782, relative to the public employees labor relation law.  
(Chambers of Graf. 12; Hutchings of Graf. 8 - To Labor, Human Resources and Rehabilitation)  
219, am 554, psd 609, nonconc S am, conf 757, 767, 774 (IP)
  
- HB 783, relative to collective bargaining by state employees.  
(Chambers of Graf. 12; Carpenito of Rock. 3 - To Labor, Human Resources and Rehabilitation)  
219, psd 541, 608, S conc 687, enr 773, veto sustained (RC)  
852-853
  
- HB 784-FN, relative to permissible action by public employees when public employers fail to appropriate funds necessary to honor agreements. (Carpenito of Rock. 13; Matson of Ches. 7 - Labor, Human Resources and Rehabilitation)  
219, K 541
  
- HB 785, to eliminate the limitation of recovery in actions for wrongful death. (Chambers of Graf. 12 - To Judiciary)  
219, psd 538, 608, S nonconc 661
  
- HB 786-FN, relative to delinquent children, abused and neglected children, and children in need of services. (Chambers of Graf. 12 et al - To Education)  
219, study 519, 866
  
- HB 787-FN, relative to water conservation methods in public buildings and publicly financed construction and reconstruction projects. (Spirou of Hil. 31 - To Public Works)  
219, removed from consent calendar 468, K 500
  
- HB 788-FN, regulating aestheticians. (Spirou of Hil. 31 - To Executive Departments and Administration)  
219, removed from consent calendar 510, K 597
  
- HB 789-FN, amending the elderly property tax exemption to provide for a consistent exemption regardless of the town's equalization ratio. (Lynde of Hil. 20 et al - To Municipal and County Government)  
219, study 542, 866
  
- HB 790, requiring all telephone calls within New Hampshire to be charged at local service rates during night and weekend hours. (Easton of Graf. 11 - To Commerce, Housing and Consumer Affairs)  
219, removed from consent calendar 510, K 581
  
- HB 791, revising the campaign financing statutes. (Kaklamanos of Hil. 26; Palumbo of Rock. 10 - To Statutory Revision)  
219, removed from consent calendar 468, study 501, 866
  
- HB 792, relative to the false advertising of maple products.  
(Walter of Graf. 13; Sen. Hough - To Commerce, Housing and Consumer Affairs)  
New title: relative to false advertising of honey and maple products.  
220, am 513, psd 607, conc S am 674, enr 774 (Chapter 323)

- HB 793, to require optometrists' referrals of their patients to physicians in cases involving certain symptoms. (Carpenito of Rock. 20; Butler of Rock. 11 - To Health and Welfare)  
220, K 427
- HB 794, requiring a discount on liability insurance for persons 21 years of age or older who have completed a driver improvement course. (Degnan of Mer. 16 et al - To Commerce, Housing and Consumer Affairs)  
220, K 469-470
- HB 795-FN, eliminating taxpayer inventory blanks. (Easton of Graf. 11 et al - To Municipal and County Government)  
220, K 478
- HB 796, to regulate the actions of cooperatives. (Easton of Graf. 11 et al - To Commerce, Housing and Consumer Affairs)  
220, K 556
- HB 797-FN, relative to mental health professionals. (Kinhan of Mer. 13 et al - To Executive Departments and Administration)  
220, study 549, 866
- HB 798-FN, increasing the weekly benefit amount for unemployment compensation. (Lemire of Coos 8 et al - To Labor, Human Resources and Rehabilitation)  
New title: relative to the weekly benefit amount for unemployment compensation.  
220, am 541-542, psd 608, S conc 674, enr 773 (Chapter 324)
- HB 799-FN, relative to disqualification for unemployment benefits. (King of Graf. 12; Blanchette of Rock. 12 - To Labor, Human and Resources and Rehabilitation)  
220, K 554
- HB 800-FN, relative to tuition benefits for math, science, and industrial arts majors. (Miller of Ches. 1 - To Education)  
New title: relative to tuition benefits for math, science, industrial arts, and vocational education majors.  
220, am 492-493, psd 508, S nonconc 727
- HB 801-FN, clarifying the power of the commission for human rights to order the payment of reasonable attorney's fees. (Raiche of Hil. 34 et al - To Judiciary)  
220, psd 553, 608, S nonconc 688
- HB 802, relative to the education requirements for morticians. (Eaton of Ches. 4 - To Executive Departments and Administration)  
New title: relative to morticians.  
220, am & Approp 530, psd 638-639, 644, nonconc S am, conf 770, 774, rep adop 783, enr 829 (Chapter 325)
- HB 803-FN, relative to the board of funeral directors and embalmers. (Eaton of Ches. 4; French of Bel. 4 - To Executive Departments and Administration)  
220, K 530
- HB 804-FN, relative to penalties for violations of chapter 325 relative to morticians. (Eaton of Ches. 4; French of Bel. 4 - To Executive Departments and Administration)  
220, K 530
- HB 805, to provide for self-government for Strafford county. (Kincaid of Str. 7 et al - To Municipal and County Government)  
220, study 478, 866
- HB 806-FN, relative to eligibility for unemployment compensation benefits for persons seeking part-time work. (King of Graf. 12 et al - To Labor, Resources and Rehabilitation)  
220, K 554
- HB 807, requiring the comptroller to file an annual report relative to the balancing of the state books. (Locke of Bel. 6 - To Executive Departments and Administration)  
220, K 530

- HB 808, authorizing the bank commissioner to provide independent insuring funds with certain information relative to financial institutions. (Lamy of Hil. 37 et al - To Commerce, Housing and Consumer Affairs)  
220, psd 513, 607, S conc 674, enr 763 (Chapter 194)
- HB 809, relative to credit unions. (Lamy of Hil. 37 et al - To Commerce, Housing and Consumer Affairs)  
220, am 513-515, psd 607, S conc 674, enr 763 (Chapter 195)
- HB 810, requiring labeling of products which contain urea-formaldehyde. (King of Graf. 6 et al - To Commerce, Housing and Consumer Affairs)  
New title: relative to labeling and banning of certain products which contain urea-formaldehyde.  
220, am 515-516, psd 607, nonconc S am, conf 757, 766, rep adop 780, enr 829 (Chapter 397)
- HB 811, relative to the protection of tenants in conversion of rental units. (Converse of Sul. 6 et al - To Commerce, Housing of Consumer Affairs)  
220, removed from consent calendar 510, psd 581, 609, conc S am 688, enr 828 (Chapter 398)
- HB 812-FN, authorizing towns and cities to enact rent review legislation. (Converse of Sul. 6 et al - To Commerce, Housing and Consumer Affairs)  
220, K 516
- HB 813-FN, relative to litter on private property. (Zajdel of Hil. 33; Burkush of Hil. 35 - To Environment and Agriculture)  
220, K 471
- HB 814-FN, creating an exemption from the meals and rooms tax for nonprofit social clubs and fraternal organizations. (Zajdel of Hil. 33 et al - To Ways and Means)  
220, removed from consent calendar 610, study 623, 866
- HB 815, relative to the flexibility of rules governing small businesses. (Burns of Coos 5; Grip of Hil. 7 - To Commerce, Housing and Consumer Affairs)  
220, psd 516, 607, S conc 661, enr 758 (Chapter 159)
- HB 816, relative to the election of representatives to the general court from the city of Keene. (Barber of Ches. 17 et al - To Statutory Revision)  
New title: relative to the election of representatives to the general court and the election of delegates to state party conventions from the city of Keene.  
220, removed from consent calendar 468, am 501, psd 508, recon notice 555, recon rej (RC) 577-578, psd 609, S conc 727, enr 827, veto SO 835, veto sustained (RC) 839-840
- HB 817-FN, establishing a study committee to make recommendations on the public procurement of goods and services. (Kinnan of Mer. 13; Jacobson of Mer. 2 - To Executive Departments and Administration)  
220, K 530-531
- HB 818, relative to group legal insurance. (Burns of Coos 5; Roberts of Mer. 5 - to Commerce, Housing and Consumer Affairs)  
220, psd 491, 508, conc S am 728, enr 827 (Chapter 399)
- HB 819-FN, making changes in the right-to-know law. (Kaklamano of Hil. 26; Jacobson of Mer. 2 - To Judiciary)  
221, removed from consent calendar 468, K 500
- HB 820-FN, relative to the supervision of a person who has been discharged from a mental health facility after receiving treatment for mental illness. (Harnish of Graf. 7; Nighswander of Bel. 5 - To Health and Welfare)  
221, psd 471, 506, conc S am 728, enr 828 (Chapter 400)



- HB 821-FN, relative to the administration of emergency medical treatment following involuntary emergency hospitalization. (Harnish of Graf. 7 et al - To Health and Welfare)  
221, am 471, psd 506 (K)
- HB 822, revising the charter of the Concord union school district. (Gross of Mer. 15; Stark of Mer. 14 - To Education)  
221, psd 470, 506, S conc 637, enr 671 (Chapter 123)
- HB 823, prohibiting physicians from owning pharmacies. (Case of Rock. 6 - To Executive Departments and Administration)  
221, study 531, 866
- HB 824, relative to the erection of buildings on class V and class VI highways. (Bangs of Rock. 7; Grodin of Ches. 6 - To Municipal and County Government)  
221, psd 478, 507, S nonconc 727
- HB 825, relative to referring certain zoning and subdivision changes to regional planning commissions and abutting towns. (Wight of Hil. 9 - To Municipal and County Government)  
221, am 478, psd 507, S study 673, 866
- HB 826, relative to the powers and duties of regional planning commissions. (Wight of Hil. 9 - To Municipal and County Government)  
221, am 478-479, psd 507, S study 673, 866
- HB 827, providing military recruiters access to schools and to directory information. (Quinn of Hil. 30 et al - To Education)  
New title: providing military recruiters access to schools.  
221, psd 493, 508, conc S am 761, enr am 825, enr 830 (Chapter 464)
- HB 828, establishing the public guardianship and protection program. (Dean of Mer. 13 et al - To Judiciary)  
221, am 538, psd 608, conc S am 761, enr 828 (Chapter 409)
- HB 829, relative to the energy evaluation committee. (LaMott of Graf. 5 - To Environment and Agriculture)  
221, K 471
- HB 830, relative to termination of parental rights. (Knight of Hil. 6 et al - To Health and Welfare)  
221, am 533, psd 608, conc S am 728, enr 827 (Chapter 401)
- HB 831, transferring the licensing of child care agencies from the division of welfare to the department of health and welfare. (Nevins of Rock. 3 et al - To Health and Welfare)  
221, psd 471, 506, conc S am 728, enr am 825, enr 830 (Chapter 465)
- HB 832-FN, establishing a community development finance authority. (Ward of Graf. 1 et al - To Commerce, Housing and Consumer Affairs)  
221, psd 516, 607, conc S am 662, enr 782 (Chapter 326)
- HB 833, designating the department of administration and control as the agency responsible for overseeing a state equal employment opportunity plan. (McLane of Rock. 24 et al - To Executive Departments and Administration)  
New title: designating the department of personnel as the agency responsible for overseeing a state equal employment opportunity plan and making an appropriation therefor.  
Second new title: designating the agencies responsible for overseeing a state equal employment opportunity plan.  
221, am & Approp 531-532, removed from consent calendar 628, recmt 634, am 649-652, psd 659, nonconc S am, conf 764, 769 (IP)
- HB 834, eliminating the requirement that the commissioner of revenue administration certify the issuance or authorization of municipal and county bonds and notes. (Gross of Mer. 15 et al - To Municipal and County Government)  
221, psd 479, 507, S conc 674, enr 773 (Chapter 327)

- HB 835, relative to the regulation of water utilities. (Sanders of Bel. 6 - To Commerce, Housing and Consumer Affairs)  
221, am 556-557, psd 608, S study 673, 866
- HB 836, postponing the date required for organizing solid waste management districts from October 1, 1983, to October 1, 1985, and establishing criteria for exempting towns from participating in solid waste management districts. (Robinson of Hil. 14; Hendrick of Hil. 12 - To Environment and Agriculture)  
221, K 471
- HB 837-FN, providing for state aid to municipalities constructing storm drains under certain circumstances. (Spirou of Hil. 31 et al - To Resources, Recreation and Development)  
221, psd 437, 467, S conc 687, enr 782 (Chapter 328)
- HB 838-FN, correcting the over-apportionment made in the 1981 tax rate for the town of Bartlett. (Murphy of Car. 2 - To Ways and Means)  
221, removed from consent calendar 610, am 624, psd 624, S conc 673, enr 758 (Chapter 182)
- HB 839-FN, to compensate deputy sheriffs in Hillsborough county on a salary and expense basis. (Craig of Hil. 3 - To Municipal and County Government)  
223, psd 479, 507, S conc 674, enr 773 (Chapter 329)
- HB 840-FN, relative to railroad right-of-way-preservation. (Ingram of Sul. 4 et al - To Public Works)  
223, psd 481, 507, S conc 636, enr am 729, enr 774 (Chapter 330)
- HB 841, requiring providers of medical assistance to furnish itemized statements to recipients of such assistance. (Daniell of Mer. 12 - To Health and Welfare)  
New title: requiring providers of medical services to furnish itemized statements to both recipients of such services and any third party payers.  
223, am 471-472, psd 506-507, S conc 658, enr 685 (Chapter 138)
- HB 842, relative to a residential consumers utility board. (Lynde of Hil. 20 - To Commerce, Housing and Consumer Affairs)  
403, K 516
- HB 843-FN, regarding changes in the timber tax laws. (Mann of Graf. 5 - To Municipal and County Government)  
410, psd 479, 507 (K)
- HB 844, providing for a host community siting process for low level radioactive waste disposal and making an appropriation therefor. (Wight of Hil. 9 et al - To Environment)  
468, study 691, 866
- HB 845-FN, relative to beano and lucky 7. (Spirou of Hil. 31 - To Regulated Revenues)  
606, K 753
- HB 846, relative to games of chance. (Spirou of Hil. 31 - To Regulated Revenues)  
606, study 745, 866
- HB 847, creating a regional compact for the disposal of low-level radioactive waste, and making an appropriation therefore. (Wight of Hil. 9 et al - To State Federal Relations)  
New Title: relative to a regional compact for the disposal of low-level radioactive waste.  
625, rules suspended 662, am & Approp 668-669, am 742, psd 759 (K)
- HB 848, relative to county commissioner districts in Hillsborough county. (Spirou of Hil. 31 - To Statutory Revision)  
625, rules suspended 662, K 665
- HB 849, extending certain temporary beano provisions. (Rounds of Graf. 10 et al  
intro & psd 669, 671, S conc 673, enr 675 (Chapter 119)

- HB 850-FN, establishing a department of commerce. (Ward of Graf. 1; Carragher of Hil. 22 - To Executive Departments and Administration) 866, study 796, 866

## HOUSE JOINT RESOLUTIONS

- HJR 1, requiring the advisory budget control committee to exempt funds for cities and towns from the 4 percent budget cut. (Spirou of Hil. 31 et al)  
29, LT (2 RC's) 165-168, IP 857
- HJR 2, providing for reimbursement of Kimball Chase Co., Inc., for professional services rendered. (Robinson of Str. 4 - To Appropriations)  
68, K 439
- HJR 3, to authorize a more comprehensive program to conserve the water resources of the state. (Woodward of Rock. 18 et al - To Resources, Recreation and Development)  
114, am 485, psd 507, S conc 687, enr 828, study 866 (Chapter 361)
- HRJ 4, memorializing the Vietnam veterans. (Spirou of Hil. 31 - To Public Protection and Veterans' Affairs)  
221, am 606-607, psd 609, nonconc S am, conf 637, 657, rep adop 772, enr 828, appointments 866 (Chapter 362)

## HOUSE CONCURRENT RESOLUTIONS

- HCR 1, memorializing Governor Hugh J. Gallen. (French of Bel. 4; Sen. Roy of Dist. 22)  
intro & adop (jt convention) 12
- HCR 2, naming the State Records Management and Archives Building the Leon W. Anderson Building. (French of Bel. 4)  
intro & adop 16, S conc 25
- HCR 3, expressing the sense of the general court that the President should propose that the United States and the Soviet Union adopt a mutual, verifiable nuclear weapons freeze. (Katsiaficas of Hil. 28 et al)  
32, study (RC) 127-128, 866
- HCR 4, adopting Joint Rules for the 1983 session. (Spirou of Hil. 31)  
am & adop (RC) 62-64, S conc 91
- HCR 5, urging Congress to repeal the law requiring financial institutions to withhold 10 percent of interest and dividend payments. (Quimby of Rock. 17 et al)  
67, adop 148, 152, S conc 411
- HCR 6, inviting Chief Justice King to address a joint convention on the State of the Judiciary. (Tucker of Sul. 9; Sen. Roy)  
67, adop 76, 77, S conc 91
- HCR 7, memorializing Leon W. Anderson of Concord. (French of Bel. 4)  
intro & adop 76, 77, S conc 91
- HCR 8, calling upon Congress and the President of the United States to pay for the full cost of providing public education for military dependents in New Hampshire. (Newman of Rock. 24 et al)  
New title: calling upon Congress and the President of the United States to pay for the full entitlement under Public Law 81-874, the cost of providing public education for military dependents in New Hampshire.  
144, am 406, psd 409, S conc 637
- HCR 9, expressing the intent of the general court with respect to operations of the division of welfare. (Head of Hil. 9 et al)  
410, am 533, psd 608, S conc 658
- HCR 10, applauding the parties involved in the historic agreement between the Province of Quebec and the New England States, to provide hydro-electric power to the people of New England.  
intro & adop 465, 467, S conc 637

HCR 11, establishing a committee to address the issue of visual pollution of New Hampshire's highways.  
672, am 796-797, psd 810, S conc 814, appointments 866-867

HOUSE BILLS OF INTENT

HBI 2001, relating to compensation for easements and rights-of-way.  
(Cate of Mer. 13 - To Commerce, Housing and Consumer Affairs)  
157, K 470

HBI 2002, studying how to encourage captive insurance companies to locate their head offices in New Hampshire. (Smith of Hil. 9)  
411, study 639, 867

HBI 2003, relating to the costs of search and rescue missions in the White Mountains. (Ingram of Sul. 4)  
468, removed from consent calendar 689, K (RC) 724-725

HBI 2004, relating to studying the amount of profit received on the sale of wine in privately owned stores and state liquor stores and ways in which the state may realize a larger margin of profit through the liquor commission. (Scamman of Rock. 19; Russell of Hil. 15)  
509, psd 763, study 867

HBI 2005, relative to low-level radioactive waste matters. (Parr of Rock 17 et al)  
660, rules suspended 662, psd 669, study (under HB 500) 863

HBI 2006, relating to the control and restraint of guard dogs. (Nagel of Rock 20)  
671, psd 763, study 867

HBI 2007, relating to a study of the fish and game license fees. (French of Bel. 4)  
671, psd 796, study 867

HBI 2008, relating to further study of planning and zoning laws. (Grodin of Ches. 6; Clark of Ches. 3)  
686, psd 796, study 867

HBI 2009, relating to executive department reorganization. (Ward of Graf. 1)  
758, psd 796, study 867

HBI 2010, relating to studying the Jobs Partnership Training Act. (Skinner of Rock. 21)  
837, IP 857

HOUSE RESOLUTIONS

HR 1, relative to a run-off election in Merrimack County District 16. (French of Bel. 4; Spirou of Hil. 31)  
intro & adop 6

HR 2, relative to adoption of 1981 Rules as printed in Black Book. (French of Bel. 4; Spirou of Hil. 31)  
intro & adop 6

HR 3, relative to a committee of 3 members appointed by the Speaker to assign seats to members. (Townsend of Sul. 1)  
intro & adop 7

HR 4, relative to a committee of 10 members, one from each county to be appointed by the Speaker to select a suitable person to act as Chaplain. (Parr of Rock. 17)  
intro & adop 7

HR 5, relative to sessions being recorded on tape. (Gage of Rock. 20)  
intro & adop 7

HR 6, relative to clerical personnel in Clerk's Office. (Kidder of Mer. 2)  
intro & adop 7

- HR 7, relative to Sergeant-at-Arms personnel. (Rounds of Graf. 10)  
intro & adop 7
- HR 8, relative to policy established for distribution of House Journals,  
Records and Bills. (Sytek of Rock. 20)  
intro & adop 7
- HR 9, relative to cancellation of sessions in the event of severe  
snowstorm. (LaMott of Graf. 5)  
intro & adop 7
- HR 10, relative to the salary of members of the House of  
Representatives. (Meader of Str. 10)  
intro & adop 7-8
- HR 11, fixing January 27, 1983 as the date through which House Rules may  
be amended by majority vote. (Rounds of Graf. 10; Spirou of Hil. 31)  
intro & adop 12, am (RC) 26-29
- HR 12, designating Friday, January 28, 1983 as the deadline for the  
filing of drafting requests. (French of Bel. 4)  
intro & adop 12
- HR 13, relative to adopting joint rules for the 1983 session. (Rounds  
of Graf. 10; Spirou of Hil. 31)  
intro & adop 12
- HR 14, congratulating Brian K. Crosby on completing his Eagle Scout  
service project. (Cressy of Rock. 16; Rosencrantz of Rock. 15)  
intro & adop 25
- HR 15, requesting an opinion of the justices on the question of action  
by the advisory budget control committee regarding the reduction of  
funds due cities and towns. (Spirou of Hil. 31 et al)  
29, IP 857
- HR 16, memorializing Chief Justice Edward J. Lampron. (Kaklamanos of  
Hil. 26)  
intro & adop 39
- HR 17, memorializing former Representative Alexander P. Lewko. (Tucker  
of Sul. 9)  
intro & adop 39
- HR 18, memorializing Harold V. Buckman. (Grafton County Delegation)  
intro & adop 39
- HR 19, memorializing Representative Eben B. Bartlett, Jr. of Brookline.  
(French of Bel. 4)  
intro & adop 54
- HR 20, memorializing former Representative Charles E. Cummings.  
(Rockingham County Delegation)  
intro & adop 54
- HR 21, memorializing former Representative Romeo St. Laurent.  
(Strafford County Delegation)  
intro & adop 64
- HR 22, memorializing former Representative Emile A. Marcoux. (Spirou of  
Hil. 31; Soucy of Hil. 35)  
intro & adop 65
- HR 23, memorializing State Representative Donalda K. Howard. (Carroll  
County Delegation)  
intro & adop 76
- HR 24, memorializing former Representative Charles A. Soucy of  
Manchester. (Soucy of Hil. 35)  
intro & adop 91
- HR 25, memorializing former Representative Margaret A. Griffin of  
Auburn. (Benton for the Rockingham Delegation)  
intro & adop 91



- HR 26, memorializing former Representative Howell F. Preston of Rochester. (Meader of Str. 10)  
intro & adop 112
- HR 27, memorializing former Representative Walter F. McDermott. (Healy of Hil. 33 et al)  
intro & adop 130
- HR 28, memorializing State Representative Farrell J. Quinlan of Sunapee. (Sullivan County Delegation)  
intro & adop 142
- HR 29, memorializing former Representative Aram Pargagian.  
intro & adop 178-179
- HR 30, expressing the sense of the general court that the Price-Anderson Act, as amended, must be further amended, as soon as possible, to provide offsite financial protection to the general public, and to the counties, cities, towns, and other civil divisions of government, including state governments, in accordance with the latest Nuclear Regulatory Commission estimates of the financial consequences of nuclear power reactor accidents, and that the Price-Anderson Act must under no circumstances be repealed, or allowed to expire, but must be renewed as amended before its expiration date. (Pevear of Rock. 17 et al)  
182, am 487, psd 507
- HR 31, requesting that the United States Supreme Court reverse its position on the issue of abortion as established in the 1973 case of Roe v Wade. (Locke of Bel. 6; Schwaner of Rock. 9)  
182, LT (RC) 449-450, IP 857
- HR 32, requesting an opinion of the justices on HB 316. (Scamman of Rock. 19)  
intro & adop 408-409
- HR 33, honoring former Representative Greta M. Ainley of Manchester. (Tucker of Sul. 9)  
intro & adop 409-410
- HR 34, requesting an opinion of the Justices on HB 674. (Rounds of Graf. 10; Chambers of Graf. 12)  
intro & adop 506, 508, opin printed 729-732
- HR 35, for a balanced budget. (Spirou of Hil. 31)  
630, K 715
- HR 36, requesting an opinion of the justices on HB 674-FN. (Rounds of Graf. 10; Spirou of Hil. 31)  
intro & adop 641-642, 644, opin printed 732-734
- HR 37, relative to the impact of acid rain in New Hampshire. (Greene of Rock. 18 et al)  
793, am 837-838, adop 847
- HR 38, urging that high priority be given to the cleanup of the Somersworth hazardous waste site. (Demers of Str. 9)  
intro & adop 843, 847

SENATE BILLS

- SB 1, abolishing settlement and clarifying the responsibility of towns, cities, counties and the state to provide assistance to needy poor people and juveniles.  
S study 867
- SB 2, relative to the child care act and termination of parental rights.  
620, psd (RC) 681-683, 685, enr 774 (Chapter 331)
- SB 3, recodifying the state planning and zoning laws.  
620, am 715-723, psd 726, S nonconc, conf 765, 775, rep adop 791-792, enr am 825, enr 830 (Chapter 447)

- SB 5, relative to state owned motor vehicles.  
S study 867
- SB 6, to amend the child pornography laws.  
New title: relative to endangering the welfare of children.  
S req conc 129, intro 132, ext 606, am 647, psd 659, S nonconc, conf 669, 775, rep adop 785-786, enr am 825, enr 830 (Chapter 448)
- SB 8, relative to large town water pollution grants.  
56, 93, psd 615, 624, enr 638 (Chapter 67)
- SB 9, relative to the penalty for killing dogs.  
56, 93, removed from consent calendar 224, am 402, psd 403, S conc 411, enr 638 (Chapter 68)
- SB 10, revising the park boundary line of Hilton State Park.  
70, 93, psd 191, 214, enr am 412-413, enr 660 (Chapter 103)
- SB 11, allowing school districts to adopt an article or line item for the expenditure of funds generated by or for certain activities.  
S study 867
- SB 12, increasing the minimum age for purchase, sale and consumption of alcoholic beverages to 21 years.  
New title: increasing the minimum age for purchase, sale and consumption of alcoholic beverages to 21 years when Massachusetts and Maine have increased their minimum age to 21 years.  
223, am (2 RC's) 654-657, psd 659, recon notice 659, withd 676, S conc 727, enr 828 (Chapter 332)
- SB 13, relative to increasing the fee for a pheasant stamp; changing the season for taking pheasants; and repealing the limitation on stocking pheasants.  
New title: increasing the fee for a pheasant stamp and setting the season for taking pheasant.  
70, 93, am 225, psd 403, S conc 412, enr 619 (Chapter 47)
- SB 15, relative to a special appropriation for resurfacing and betterments on the state highway system.  
158, Approp 481, am 629, psd 634, enr 660 (Chapter 104)
- SB 16, increasing the jurisdictional amount of the small claims court.  
S req conc 115, intro 118, study 188, 867
- SB 18, removing compensation offset provisions from disability and death benefits under the New Hampshire retirement system.  
626, am & Approp 677-678, psd 742, 759, S nonconc, conf 765, IP 857
- SB 19, establishing the Hampton Leased Land Real Estate Commission.  
56, 90, psd 111, 113, enr 115 (Chapter 3)
- SB 20, postponing the date required for organizing solid waste management districts from October 1, 1983 to April 1, 1984.  
New title: authorizing the town of Hampton to establish a solid waste management district.  
625, am (RC) 703-707, psd 726, S conc 766, enr 828 (Chapter 333)
- SB 21, requiring the defendant in landlord-tenant cases to post sureties before filing an appeal and to pay the costs of an appeal as may be ordered.  
S study 867
- SB 22, authorizing the financing of life-care or continuing care facilities for the elderly under the New Hampshire higher educational and health facilities authority.  
158, ext 627, study 668, 867
- SB 23, relative to investments under the public employees deferred compensation plan.  
S req conc 129, intro 132, K 418

- SB 24, relative to the off highway recreational vehicle laws.  
S req conc 178, intro 183, Approp 629, psd 646, 658, enr am 825-826, enr 830 (Chapter 149)
- SB 25, relative to the issuance of state bonds and notes.  
New title: relative to the issuance of bonds and notes.  
685, am 750-752, psd 759, S nonconc, conf 770, rep adop (RC) 842-843, enr 857 (Chapter 468)
- SB 26, relative to the membership of the postsecondary education commission.  
93, psd 420, 466, enr 638 (Chapter 75)
- SB 28, relative to driving while intoxicated.  
625, K 647
- SB 29, relative to the department of centralized data processing.  
625, am 678, psd 685, S conc 727, enr 827 (Chapter 374)
- SB 30, concerning returnable beverage containers.  
S study 867
- SB 31, permitting the broadcast of public notices on radio and television.  
410, psd 641, 644, enr 659 (Chapter 117)
- SB 32, eliminating the waiting period for amending a legal separation decree to one of divorce.  
626, psd 640, 644, enr am 675, enr 774 (Chapter 334)
- SB 33, relative to the method of filling vacancies on the Portsmouth school board.  
158, psd 431, 466, enr 638 (Chapter 69)
- SB 35, relative to the protection of tenants in conversion of rental units.  
S study 867
- SB 36, eliminating appeals to the superior court in landlord-tenant actions.  
S study 868
- SB 37, requiring fire warning systems in all multi-unit dwellings.  
625, psd 646, 659, enr 830 (Chapter 450)
- SB 38, making an appropriation for an addition to the New Hampshire voc-tech college in Nashua.  
626, Approp 683, K 742
- SB 39, exempting the Mount Washington Cog Railway from public utility commission jurisdiction over water companies.  
158, psd 418, 466, enr 638 (Chapter 70)
- SB 40, relative to selling venison imported into the state.  
S req conc 178, intro 183, am 639, psd 644, S conc 658, enr 671 (Chapter 139)
- SB 41, relative to certain positions in the department of revenue administration and authorizing the exchange of information with other states.  
405, am 639, psd 644, S conc 658, enr 671 (Chapter 140)
- SB 42, amending the meals tax.  
223, am 747, psd 759, S conc 767, enr 827 (Chapter 226)
- SB 44, enlarging the list of authorized investment rating services.  
223, am 639, psd 644, S nonconc, conf 658, 661-662, rep adop 856, enr 859 (Chapter 471)
- SB 46, establishing a division for children and youth services and making an appropriation therefor.  
New title: establishing a division for children and youth services and making an appropriation therefor and establishing a department of administrative services.  
726, removed from consent calendar 796, am (2 RC's) 797-810, psd 810, S conc 814, enr am 831-833, enr 834 (Chapter 416)

- SB 47, allowing military recruiters access to all public or publicly funded schools.  
158, ext 620, LT 643, IP 857
- SB 48, relating to the issuance of bonds and notes by municipalities and counties.  
223, psd 640, 644, enr 774 (Chapter 365)
- SB 49, permitting the hunting of wild boar with a limit of one boar per hunter per season.  
620, K 639
- SB 50, relative to bingo and lucky 7.  
625, am 695-700, psd 726, S nonconc, conf 767, rep adop 786-789 enr am 826, enr 830 (Chapter 417)
- SB 51, holding evaluation committee members harmless for certain actions in regard to degree granting authority.  
410, psd 639, 644, enr 685 (Chapter 141)
- SB 52, relative to occupational and health safety programs.  
686, psd 742, 759, enr am 776, enr 828 (Chapter 410)
- SB 55, relative to shooting human beings while on a hunting trip or shooting in the woodlands.  
410, removed from consent calendar 646, rcmt 657, am 694, psd 726, S nonconc, conf 767, com unable to agree 784, IP 857
- SB 57, relative to the authority of selectmen over certain police budgets.  
625, removed from consent calendar 646, rcmt 657, removed from consent calendar 676, study 684, 868
- SB 58, providing a limited hunting season for moose.  
New title: to plan for a moose management program which may entail experimental 3-day season.  
410, ext 636, am 714, psd 726, S nonconc, conf 765, rep adop 793-794, enr 829 (Chapter 375)
- SB 59, placing a surcharge on all hunting licenses to establish a deer management program.  
620, study 694, 868
- SB 60, providing a referendum to discontinue the office of the city manager in the city of Berlin.  
620, psd 640, 644, enr am 662, enr 671 (Chapter 142)
- SB 61, legalizing certain school district meetings and school district elections.  
410, removed from consent calendar 638, am 643, psd 644, S conc 658, enr 671 (Chapter 143)
- SB 64, relative to the removal of an independent candidate's name from the ballot.  
S study 868
- SB 66, relative to state guarantees for water pollution control projects and state contributions for the construction of pollution control system.  
New title: relative to state guarantees for water pollution control projects and state contributions for the construction of pollution control systems in certain towns.  
410, am & Approp 640, am 742-743, psd 759, S conc 769, enr 829 (Chapter 335)
- SB 67, relative to the definition of dividends.  
S study 868
- SB 68, expanding the law enforcement authority of the director of safety services and allowing the regulation of so-called rafting and offshore anchoring.  
New title: relative to boat access to state parks and directing the office of state planning to study the usage of great ponds.  
410, am 700-701, psd 726, S nonconc, conf 765, rep adop 791, enr 828 (Chapter 336)

- SB 69, relative to retention of certain investments by town trustees.  
410, psd 640, 644, enr 659 (Chapter 118)
- SB 70, relative to interstate banking.  
635, study (RC) 652-654, recon rej 659, study 868
- SB 72, relative to transferring necessary rights and easement in and to certain dams to the water resources board.  
625, removed from consent calendar 689, am 725, psd 726, S nonconc, conf 766, S recon, conc 837, enr am 851, enr 857 (Chapter 472)
- SB 74, increasing the small claim limit for the department of public works and highways.  
405, psd 630, 635, enr 660 (Chapter 110)
- SB 75, relative to workmen's compensation for part-time members of police department.  
626, rcmt 654, study 694, 868
- SB 76, providing for payment of a claim to Kenneth Clark, of Office Products Co., Inc. and making an appropriation therefor.  
626, K 646
- SB 77, relative to games of chance.  
S study 868
- SB 78, relative to renomination or reelection of teachers.  
635, study (RC) 713-714, 868
- SB 79, relative to disclosure of security takeovers.  
620, psd 639, 644, enr 671 (Chapter 144)
- SB 80, enabling municipalities to establish central business service districts.  
410, psd 640, 644, enr 660 (Chapter 109)
- SB 81, authorizing the water supply and pollution control commission to negotiate with the Environmental Protection Agency concerning delegation of National Pollutant elimination discharge system responsibilities.  
410, psd 630, 635, enr 660 (Chapter 105)
- SB 82, relative to the uniform enforcement of foreign judgments.  
626, K 664
- SB 84, making a capital appropriation for the Manchester access ramp project.  
410, am & Approp 683, psd 743, 759, S nonconc, conf 765, rep adop 779, enr 829 (Chapter 337)
- SB 85, making a capital appropriation for a south bound return ramp at Granite Street from I-293 in the city of Manchester.  
626, study 683, 868
- SB 87, relative to the criminal threatening of property.  
626, psd 647, 659, enr am 675, enr 782 (Chapter 338)
- SB 89, relative to the fish and game department.  
685, am 743, psd 769, S nonconc, conf 770, rep adop 790-791, enr am 826, enr 830 (Chapter 418)
- SB 90, authorizing the establishment of a reserve fund to meet the expenses of educating educationally handicapped children.  
620, psd 639, 644, enr 660 (Chapter 106)
- SB 91, providing cost of living increases to teachers retired prior to 1957.  
626, removed from consent calendar 646, am 657, psd 659, S conc 661, enr 758 (Chapter 183)
- SB 92, to provide weighted voting for the members of the county convention voting on the Sullivan county budget.  
S study 868



- SB 93, to allow people consuming liquor at bowling alleys to carry their drinks from lounge or grill areas into spectator areas for consumption.  
619-620, K 700
- SB 94, relative to property tax exemptions.  
635, removed from consent calendar 676, study 684, 868
- SB 95, relative to the examination of insurance companies, insurance company license fees and relicensing of insurance companies.  
New title: relative to the examination and relicensing of insurance companies.  
625, psd 646, 659, enr am 675, enr 682 (Chapter 371)
- SB 96, permitting the financing of proprietary hospital facilities by the industrial development authority.  
S study 868
- SB 97, relative to the senate clerk.  
626, am & Approp 695, am 752, psd 759, S nonconc, conf 770, IP 857
- SB 98, authorizing trustees of trust funds of towns and cities to place securities in nominee name in a bank trust department.  
410, psd 640, 644, enr 660 (Chapter 107)
- SB 99, amending the charters of the university system of New Hampshire and Mary Hitchcock hospital.  
620, psd 646, 659, enr 685 (Chapter 145)
- SB 100, allowing employees to receive payments from certain supplemental plans without a reduction in their unemployment compensation benefits.  
625, am 715, psd 726, S conc 766, enr am 826-827, enr 830 (Chapter 457)
- SB 101, relative to the flash point of kerosene or similar illuminating or fuel oils.  
625, psd 646, 659, enr 685 (Chapter 146)
- SB 102, making an appropriation for New Hampshire's share of the cost for the perambulation of the Maine-New Hampshire boundary.  
626, Approp 649, psd 744, 759, enr 828 (Chapter 339)
- SB 103, relative to disposal of sewage and other wastes from boats.  
625, am 680-681, psd 685, S conc 688, enr 828 (Chapter 340)
- SB 104, relative to the definition of a moped.  
625, psd 649, 659, enr 671 (Chapter 147)
- SB 107, relative to the enforcement powers of agents of the liquor commission.  
S study 868
- SB 108, relative to the powers of the board of education of the union school district of Keene, subject to approval by local referendum.  
620, am 676-677, psd 685, S conc 688, enr 828 (Chapter 341)
- SB 109, relative to the date for submitting petitions to amend zoning ordinances.  
625, K 665
- SB 110, establishing a state historic marker commission.  
620, study 691, 868
- SB 112, relative to the establishment of jurisdiction over certain health insurers.  
620, am 690, psd 726, S nonconc, conf 767, 774, rep adop 784, enr 829 (Chapter 342)
- SB 113, relative to domestic and foreign insurers.  
620, am 690, psd 726, S nonconc, conf 767, rep adop 834, enr 848 (Chapter 473)

- SB 115, relative to major medical insurance policies.  
620, am 690-691, psd 726, S nonconc, conf 767, rep adop 857, enr 859 (Chapter 474)
- SB 116, relative to the appeal rights of discharged employees covered by certain collective bargaining agreements.  
626, psd 648, 659, enr 671 (Chapter 156)
- SB 117, relative to service of civil process by private citizens.  
S study 868
- SB 118, redefining the term "private employer" for the purposes of workmen's compensation law.  
S study 868
- SB 119, relative to appeals to the superior court concerning the abatement of property taxes and relative to promotions under the land sales full disclosure act and the condominium act.  
625, com changed 627, K 676
- SB 122, permitting the operation of retail fuel oil delivery trucks by persons 18 years of age or older.  
625, psd 649, 659, enr 685 (Chapter 148)
- SB 123, relative to holding executive sessions under the right to know law.  
620, am 647, psd 659, S conc 661, enr 758 (Chapter 184)
- SB 124, relative to designating approved care facilities.  
625, K (RC) 702-703, recon rej 726
- SB 125, relative to the department of fish and game obtaining rights of way or access to certain bodies of water in the state and making an appropriation therefor.  
685, removed from consent calendar 736, psd 756, 759, enr 828 (Chapter 343)
- SB 126, relative to the number of signatures for a representative election for public employees.  
620, psd 648, 659, enr 685 (Chapter 149)
- SB 129, relative to the housing finance authority.  
620, study 703, 868
- SB 130, relative to retirement benefits for Francis A. Talbot and making an appropriation therefor.  
626, removed from consent calendar 646, K 657
- SB 131, relative to certain retirement pay and unemployment compensation benefits.  
626, removed from consent calendar 689, K 724
- SB 132, relative to eligibility for unemployment compensation benefits.  
626, am 648, psd 659, S conc 661, enr 758 (Chapter 124)
- SB 134, relative to the payments by towns and cities to counties.  
620, K 640
- SB 135, to permit town workers who are members of the New Hampshire retirement system to withdraw from the system without jeopardizing the membership of other town workers in the system.  
New title: relative to the procedure for withdrawing from the New Hampshire retirement system for municipal officers and employees.  
620, am 678, psd 685, S conc 727, enr 827 (Chapter 344)
- SB 136, relative to indexing trustee process.  
626, am 679-680, psd 685, S conc 718, enr 828 (Chapter 376)
- SB 137, relative to an increase in recording charges.  
620, am 647, psd 659, S conc 661, enr 758 (Chapter 185)
- SB 140, relative to reinsurance.  
S study 868

- SB 141, reinstating the option of appealing to the superior court in lieu of appealing to the board of tax and land appeals.  
620, am 714-715, psd 726, S nonconc, conf 770, rep adop 791, enr 829 (Chapter 345)
- SB 142, relative to the dental practice act.  
620, psd 664, 671, enr 782 (Chapter 346)
- SB 143, making several changes in the criminal law and relative to the suspension of a person's driver's license or driving privilege for failure to appear or pay a fine.  
620, am & Approp 664-665, psd 689-690, 725-726, S nonconc, conf 770, 775, rep adop 790, enr 829 (Chapter 347)
- SB 144, relative to the illegal purchase of alcoholic beverages by underage persons.  
626, removed from consent calendar 689, am 723, psd 726, S nonconc, conf 770, rep adop 792, enr 829 (Chapter 348)
- SB 145, relative to licensee and permittee violations of certain liquor commission laws and rules.  
619, removed from consent calendar 689, study 723-724, 868
- SB 146, relative to eligibility for certain public assistance.  
S study 868
- SB 147, relative to disqualification for noncompliance with general assistance guidelines.  
S study 869
- SB 148, relative to a one way toll system on the New Hampshire turnpikes.  
626, K 649
- SB 149, authorizing the disposition of land and buildings occupied by the United States National Guard armory in the city of Manchester, New Hampshire.  
620, psd 680, 685, enr 774 (Chapter 205)
- SB 150, relative to hawker and peddler licenses.  
620, psd 664, 671, enr 758 (Chapter 186)
- SB 151, relative to the payment of unpaid fines relating to violations, misdemeanors and felonies.  
620, K 647
- SB 152, granting authority to the office of state planning to accept and expend community development block grant funds.  
620, Approp 640-641, psd 690, 726, enr 829 (Chapter 349)
- SB 154, requiring the state to buy American made products.  
626, K 678
- SB 155, relative to a lump sum payment to Ronald C. Broderick.  
626, psd 646, 659, enr 685 (Chapter 150)
- SB 156, providing an incentive for public and private postsecondary educational institutions to attract out-of-state students, and making an appropriation therefor.  
685-686, am 744, psd 759, S nonconc, conf 770, rep adop 779, enr 828, veto overridden (RC) 855-856 (Chapter 467)
- SB 157, to license independent clinical social workers.  
New title: to regulate certified clinical social workers.  
620, am 711-713, psd 726, S conc 766, enr am 827, enr 830, appointments 869 (Chapter 453)
- SB 158, relative to the good samaritan law regarding hazardous waste.  
626, K 694
- SB 161, relative to the method of operation of the state liquor commission warehouse.  
685, K 744

- SB 164, to provide that the term of the chairman of the liquor commission shall be coterminous with the term of the governor.  
619, am 691, psd 726, S nonconc, conf 765, rep adop 772, enr 828 (Chapter 350)
- SB 165, relative to the execution of wills.  
620, K 647
- SB 166, relative to enterprise zones.  
625, study 691, 869
- SB 167, establishing an advisory commission on rules of evidence.  
New title: establishing an advisory committee on rules of evidence.  
620, am 648, psd 659, S nonconc, conf 669, rep adop 784, enr 829, appointments 869 (Chapter 411)
- SB 168, relative to the licensing of alarm installers.  
620, am 691-693, psd 726, S nonconc 769
- SB 169, establishing a study committee to review the rules of the water supply and pollution control commission, which do not have anything to do with municipal systems and making an appropriation therefor.  
New title: establishing a study committee to review the rules of the water supply and pollution control commission, excluding those rules which involve municipal systems.  
626, am 701, psd 726, S nonconc, conf 767, 775, rep adop 776, enr 829, appointments 869 (Chapter 412)
- SB 170, relative to group homes.  
S study 869
- SB 171, relative to the board of registration in medicine and the terms of certain positions at New Hampshire hospital.  
New title: relative to the board of registration in medicine, certain positions at the New Hampshire hospital and a legislative study committee.  
625, am 679, psd 685, S nonconc, conf 770, rep adop 789, enr 829, appointments 869 (Chapter 377)
- SB 172, relative to the manner of election for secretary of state and state treasurer.  
625, psd 649, 659, enr 685 (Chapter 151)
- SB 173, relative to the New Hampshire port authority and making an appropriation therefor.  
686, K 744
- SB 174, permitting limited trimming in front of signs.  
S study 869
- SB 175, relative to licensing automotive dismantlers and parts recyclers.  
New title: relative to salvage certificates of title and salvage vehicle decals.  
625, am 693-694, psd 726, S conc 767, enr 829 (Chapter 351)
- SB 176, relative to insurance coverage for residential psychiatric treatment.  
620, am 663, psd 671, S nonconc, conf 729, rep adop 783-784, enr 829 (Chapter 413)
- SB 177, relative to the sale of deadly weapons to minors.  
620, K 640
- SB 178, relative to apportioning delegates voted for at the presidential primary to the national party conventions.  
New title: eliminating the filing fee for proposed delegates of presidential candidates to the national convention.  
620, am 665, psd 671, S conc 688, enr 782 (Chapter 178)
- SB 179, relative to delinquents.  
625, study 679, 869

- SB 180, relative to senate redistricting.  
620, removed from consent calendar 638, psd 643, 644, enr 685 (Chapter 153)
- SB 181, relative to improvements to the Eastern New Hampshire turnpike and making an appropriation therefor.  
626, Approp 680, psd 744, 759, enr am 827, enr 830 (Chapter 451)
- SB 182, relative to discretionary easements.  
625, com changed 627, am 667-668, psd 671, S nonconc, conf 756, rep adop 776-777, enr 829 (Chapter 353)
- SB 184, prohibiting employers from using or giving truth sensing devices to employees as a condition of employment.  
620, study 654, 869
- SB 186, relative to the sunset termination date of the joint legislative committee on review of agencies and programs.  
625, K 695
- SB 187, relative to suits by county attorneys to protect air and water quality within the county.  
S study 869
- SB 189, relative to the election of the members of the county convention.  
620, study 668, 869
- SB 191, relative to reorganization of state government.  
S study 869
- SB 193, providing for suggestion and incentive awards.  
620, am & Approp 648-649, psd 744, 759, S conc 767, enr 829 (Chapter 354)
- SB 194, relative to dry cleaning establishments.  
620, am 663, psd 671, S nonconc, conf 767, rep adop 784-785, enr 829 (Chapter 414)
- SB 195, relative to passing school buses.  
625, am 666, psd 671, S nonconc, conf 725, rep adop 777, enr 828 (Chapter 355)
- SB 198, relative to the regulation of barbers and cosmetologists.  
620, am 664, psd 671, S conc 688, enr 828 (Chapter 356)
- SB 199, authorizing the city of Manchester to phase in the optional fiscal year in 3 years, to establish a central business district revitalization reserve fund and to establish a parking facilities reserve fund.  
625, psd 649, 659, enr 685 (Chapter 152)
- SB 200, relative to political activities by classified and unclassified state employees.  
New title: relative to political activities by classified state employees.  
620, removed from consent calendar 638, rcmt 644, am 665, psd 671, S conc 767, enr 829 (Chapter 415)
- SB 202, providing for a method of protection of the ground water of the state.  
S study 869
- SB 203, establishing a state department of transportation.  
S study 869
- SB 204, relative to county commissioner districts in Coos County.  
620, com changed 627, am 665-666, psd 671, S nonconc, conf 689, rep adop (2 RC's) 777-779, enr 828 (Chapter 357)
- SB 205, requiring operators to make monthly returns and payments under the meals and rooms tax.  
619, K 747
- SB 206, relative to town paupers and county paupers.  
626, K 649



- SB 207, providing for the inclusion of tips and gratuities in the definition of "wages" only to the extent that such tips and gratuities are used by the employing unit to satisfy the minimum wage law.  
626, K 654
- SB 208, relative to business corporations.  
625, psd 694, 726, enr 829 (Chapter 316)
- SB 210, providing for an appropriation to the New Hampshire constitution bicentennial education commission.  
620, Approp 646-647, psd 752-753, 759, enr 828, appointments 869-870 (Chapter 358)
- SB 211, relative to bad checks.  
620, am 680, psd 685, S conc 688, enr 828 (Chapter 378)
- SB 212, providing for the purchase of a state liquor store on Coliseum avenue in Nashua and making an appropriation therefor.  
New title: providing for the purchase of state liquor stores in Nashua and Lebanon and making an appropriation therefor.  
626, am & Approp 680, am 744, psd 759, S conc 766, enr 829 (Chapter 315)
- SB 213, to provide for the licensing and regulation of water well contractors and pump installers and for the furnishing of well and pump records to the state and making an appropriation therefor.  
686, psd 745, 759, enr 782 (Chapter 359)
- SB 214, making certain changes in the election laws.  
S study 870
- SB 215, relative to grants for retired senior volunteer programs and making an appropriation therefor.  
626, Approp 679, psd 745, 759, enr 828 (Chapter 360)
- SB 217, relative to the election laws.  
620, psd 641, 644, enr am 662, enr 671 (Chapter 154)
- SB 219, relative to voting by citizens who live overseas.  
New title: relative to voter registration.  
620, am 641, psd 644, S nonconc, conf 658, 662, rep adop 834, enr 848 (Chapter 475)
- SB 220, providing for the calling of a constitutional convention and making an appropriation therefor.  
685, K 745

SENATE JOINT RESOLUTION

- SJR 1, to declare 1983 "The Year of the Forest."  
158, psd 639, 644, enr 659 (Chapter 108)

SENATE CONCURRENT RESOLUTIONS

- SCR 1, memorializing Harold K. Davison.  
intro & adop 25
- SCR 2, urging the Congress of the United States to amend the United States Constitution to prohibit federally mandated programs without federal funds.  
S req conc 91, intro 93, K 406-407
- SCR 3, memorializing Jean S. Tufts.  
S req conc 91, adop 112-113
- SCR 4, urging the President and the Congress of the United States to eliminate federal restrictions on the use of marijuana by state programs for legitimate medical purposes.  
S req conc 178, intro 183, adop 634, 635

- SCR 5, urging the department of public works and highways to place a high priority on a bypass around the town of Dublin.  
625, psd 649, 659
- SCR 6, urging the Democratic National Committee and presidential candidates to help New Hampshire preserve its first in the nation presidential primary status.  
645, recon, jt rule suspended, intro 646, psd 666-671
- SCR 7, to suspend Joint Rule 10(c)(1).  
IP 857

## CONCURRENT RESOLUTIONS PROPOSING CONSTITUTIONAL AMENDMENTS

- CACR 1, relating to membership in the House of Representatives. Providing that the number of members shall not exceed 200. (Hamel of Str. 8)  
22, K (RC) 42-43
- CACR 2, relating to the term of the governor. Providing that the term shall be 4 years. (French of Bel. 4)  
22, am (RC) 43-45, psd 54, S conc 658, enr am 675, enr 758
- CACR 3, relating to the date on which the votes for councilors are laid before the senate and house of representatives. Providing that the votes shall be laid before the senate and the house of representatives on the first Wednesday following the first Tuesday in January. (Warburton of Rock. 6)  
23, psd (RC) 45-46, 54, S conc 157, enr 412
- CACR 4, relating to size of the senate and term of office of senators. Providing that the senate shall consist of 48 members who shall hold office for 4 years. (Robinson of Str. 4)  
New Title: relating to the size of the senate. Providing that the senate shall consist of 48 members.  
31, am (RC) 102-105, recon rej (RC) 111-112, psd 113, S noneonc 411
- CACR 5, relating to the state mandating and assigning programs and responsibilities to towns and other political subdivisions. Providing that funding shall accompany any such mandate or assignment.  
410, study 654, 867
- CACR 6, relating to compensation of the legislature. Providing that compensation to all members of the general court for both regular and special sessions be increased. (Newman of Rock. 24 et al)  
55, K (RC) 136-137
- CACR 7, relating to power of the general court to impose and levy assessments, rates and taxes. Providing that said assessments, rates and taxes need not be proportional and that taxes may be imposed on a graduated scale. (Ahrens of Hil. 13)  
66, K (RC) 168-169
- CACR 8, relating to county attorneys. Providing that said attorneys be appointed by the county commissioners in each county. (Matson of Ches. 7)  
78, K 169
- CACR 9, relating to succession to the office of governor and the taking of the oath of office by the governor. Providing that the legislature provide for the election of a new governor to fill the unexpired term of a governor who dies, resigns or is declared unable to continue in office, and that no person who temporarily succeeds to the office of governor shall forfeit his elective office, that a justice of a New Hampshire court shall administer the oath of office to a newly-elected governor. (Sackett of Str. 4)  
New title: relating to succession to the office of governor and the taking of the oath of office by the governor. Providing that in the event of a vacancy in the office of governor or the incapacity of the governor to perform his duties, the president

of the senate, speaker of the house, secretary of state and the state treasurer, in that order, shall be acting governor until the vacancy is filled or the incapacity removed; that if a vacancy in the office of governor for the remainder of the governor's term occurs before the commencement of the last year of his term, a special election for governor shall be held; that the incapacity of the governor shall be determined by his written declaration or by judgment of the supreme court; that the office of governor may be declared vacant by the general court when the governor or governor-elect has been incapacitated for a period of 6 months; and that a justice of a New Hampshire court shall administer the oath of office to a newly-elected governor.

93, am (RC) 557-560, psd 608, S conc 658, enr 685

CACR 10, relating to the budget. Providing that it shall not contain non-germane amendments, sections or footnotes. (Johnson of Ches. 3)

114, K (RC) 560-561

CACR 11, relating to meetings of the legislature. Providing that the legislature shall meet in annual sessions and receive mileage for not more than 45 legislative days during the session.

(Kaklamanos of Hil. 26; Ahrens of Hil. 13)

144, psd (RC) 561-562, 608 (K)

CACR 12, relating to personal income tax. Providing that all proceeds, less the cost of collection and administration, shall be distributed to municipalities, school districts and counties. (Sackett of Str. 4)

153, K 492

CACR 13, relating to county officers. Providing that said officers be elected or appointed as determined by law. (Jacobson of Mer. 2)

153, K 443

CACR 14, relating to personal income tax. providing that all proceeds in excess of the cost of collection and administration be distributed to towns and cities. (Lynde of Hil. 20)

157, K 492

CACR 15, relating to a limitation on state and local taxation and spending increases. Providing that taxation and expenditures shall not exceed the previous year's levels by more than 5 percent unless approved by 2/3 vote. (Locke of Bel. 6)

182, K 546

CACR 16, relating to the succession of governor. Providing that there shall be a lieutenant governor, who shall become governor when the office of governor becomes permanently vacant, and who shall act as governor when that office is temporarily vacant, and providing that every other designated successor to the office of governor shall, in turn, become governor if the offices of governor and lieutenant governor are both permanently vacant or act as governor when the offices of governor and lieutenant governor are temporarily vacant. (Donnelly of Str. 7 et al)

182, K 492

CACR 17, relating to application of state lottery revenues. Providing that all state lottery revenues shall be distributed to the school districts of the state and used exclusively for educational purposes. (Hawkins of Bel. 5)

221, K 492

CACR 19, relating to compensation of the general court. Providing that said compensation, other than reimbursement for mileage, be eliminated. (Lefebvre of Hil. 26)

221, K 492

CACR 20, relating to the amount of controversy required for a jury trial. Providing that the amount be determined by law. (Palumbo of Rock. 10 et al)

221, am (RC) 546-547, psd 608, nonconc S am, conf 757, 766, com unable to agree 792

CACR 21, relating to the imposition of limits on state spending and increases in state spending and the establishment of a reserve fund. Providing that increases in state revenue shall not exceed the state's rate of economic growth, state spending shall not exceed 95 percent of the aggregate revenues of the current fiscal year, and a special fund reserve shall be established. (Tamposi of Hil. 24 et al)

221, K 547, IP recon rej 555

CACR 22, relating to the term of office of senators. Providing that senators be elected to 4 year terms.

626, K 654

CACR 23, relating to the imposition of limits on state spending and increases in state spending and the establishment of a reserve fund. Providing that increases in state revenue shall not exceed the state's rate of economic growth and state spending shall not exceed 95 percent of estimated revenues of the current fiscal year, except upon a 2/3 vote of the general court in the event of an emergency, and providing for the establishment of a special fund reserve.

626, K (RC) 666-667

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